

October-15						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				FG Delegation Recap 5:45pm - Mayor's Home EDC Noon		Historic FG Grave Matters 3pm
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FOREST GROVE CITY COUNCIL

Monday, October 12, 2015

Meeting Agenda

5:30 PM – Executive Session (Labor Negotiations)
6:15 PM – Work Session (Food Waste Composting)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Forest Grove City Council Meetings are televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming, Ch 30. To obtain the programming schedule, please contact TVCTV at 503.629.8534 or visit <http://www.tvctv.org/government-programming/government-meetings/forest-grove>.

PETER B. TRUAX, MAYOR

Thomas L. Johnston, Council President
Richard G. Kidd III
Victoria J. Lowe

Ronald C. Thompson
Elena Uhing
Malynda H. Wenzl

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

➔ Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

➔ Citizen Communications – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

Brenda Camilli, Human Resources Manager
Jesse VanderZanden, City Manager

5:30

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC.
Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

The City Council will convene in the Community Auditorium – Conference Room to hold the following executive session(s):

In accordance with ORS 192.660(2)(d) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

Jon Holan, Community Development Director
Paul Downey, Administrative Services Director
Jesse VanderZanden, City Manager

6:15

WORK SESSION: FOOD WASTE COMPOSTING

The City Council will convene in the Community Auditorium to conduct the above work session. The public is invited to attend and observe the work session; however, no public comment will be taken. The Council will take no formal action during the work session.

7:00

1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance

1. A. **AWARD PRESENTATION:**

- *Tree For All Award and Video Presentation, Bruce Roll, Clean Water Services Watershed Director*

2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.

3. **CONSENT AGENDA:** See Page 4

4. **ADDITIONS/DELETIONS:**

5. **PRESENTATIONS:** None.

Anna D. Ruggles, City Recorder
J. F. Schutz, Police Chief
Jon Holan, Community Development Director
Jesse VanderZanden, City Manager

7:15

6. **HEARING FOR THE PURPOSE OF DETERMINING CITY COUNCIL'S RECOMMENDATION OF A NEW LIQUOR LICENSE APPLICATION (BREWERY – PUBLIC HOUSE) FOR KAISER BREWING CO., LLC, 1607 HAWTHORNE STREET (APPLICANT: JONATHAN KAISER)**

- | | | |
|----------------------------------|------|--|
| | 7:25 | 7. <u>COUNCIL COMMUNICATIONS:</u> |
| Jesse VanderZanden, City Manager | 7:40 | 8. <u>CITY MANAGER'S REPORT:</u> |
| Peter Truax, Mayor | 7:50 | 9. <u>MAYOR'S REPORT:</u> |
| | 8:00 | 10. <u>ADJOURNMENT:</u> |

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 Interview) Meeting Minutes of September 28, 2015.
 - B. Approve City Council Executive Session (Real Property) Meeting Minutes of September 28, 2015.
 - C. Approve City Council Regular Meeting Minutes of September 28, 2015.
 - D. **RESOLUTION NO. 2015-73 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (APPOINTING BRIANA LARIOS, STUDENT ADVISORY, TERM EXPIRING JANUARY 31, 2016).**
 - E. **RESOLUTION NO. 2015-74 MAKING APPOINTMENT TO HISTORIC LANDMARKS BOARD MEETING (APPOINTING MJ GUIDETTI-CLAPSHAW, TERM EXPIRING DECEMBER 31, 2018).**

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Date: October 12, 2015

Work Session on Food Waste Composting Proposal

PROJECT TEAM: Jon Holan, Community Development Director
Paul Downey, Administrative Services Director
Jesse VanderZanden, City Manager

ISSUE STATEMENT: To consider implementing a food waste composting program for single family and two family residences in Forest Grove.

BACKGROUND: Members of the Sustainability Commission several months ago requested the City explore the possibility to implement food waste composting as part of the solid waste pickup operation. With the exception of Portland, no other Metro city provides such service although several communities around the state do offer it.

As a result of the interest by the Commission, staff met with representatives from Waste Management, Nature's Needs (Recology), Washington County and Metro about such a proposal. The result of this effort is the preparation of a White Paper which is attached. The paper describes the proposal and discussion of various issues associated with it. It has been reviewed by Waste Management and Nature's Needs as well as the Sustainability Commission at its August 27th meeting. The Commission at their meeting voted to support the proposal based on the White Paper.

To summarize key elements of the White Paper:

Proposal: Residents would combine food waste into their yard waste bins. Waste Management would then pick up the combined waste bins as part of its normal operation. Because the waste is combined food and yard waste, it would have to be transported to a facility certified to accept such waste. Nature's Needs operation in North Plains is such a facility and trucks would deliver to this facility rather than the current facility in Cornelius which is not setup to handle combined food and yard waste. (Nature's Needs current receives combined food and yard wastes from the City of Portland.) A starting date of March 1, 2015, is being considered for this expanded service.

Cost: The proposed cost for this service would be \$1.68 per month. This includes the \$1.23 in direct costs to dispose of the material at North Plains instead of Cornelius, \$.20 for education efforts and \$.25 for increase in franchise fees and margin. The additional cost represents about a 7.2% increase in customer rates. There would not be any change

in the current scheduled weekly pickup of residential solid waste and recycling.

Why Single Family Residents: As explained in the White Paper, the focus is on single family residents, similar to Portland. The reasons are several. It is difficult to prevent contaminated waste stream with multi-family residential units. Persons would likely dispose inappropriate waste into the containers and there would very little control by apartment managers to assure such contamination would be minimized.

Food waste from commercial operations cannot be accepted by Nature's Needs since they are not certified to accept such wastes.

Odor at North Plains Facility: Historically, there has been odor from the Nature's Needs facility at North Plains. About two years ago, a \$5 million upgrade was made at the facility. North Plain officials indicate that the odor has greatly reduced for the past 1 ½ to 2 years. They also noted that the character of the odor has changed from smelling like food waste to agricultural in nature.

Public Awareness: Those persons involved in these types of programs including Waste Management and Washington County emphasize the need to have a substantial educational effort. As noted above, Waste Management would incorporate a portion of the rate for such efforts. Further, the City can assist by providing information in a variety of ways including utility billing, news articles, website information, etc. similar to what was done for starting GroveLink. Staff estimates that an initial cost of \$1,000 to \$5,000 would be needed for start-up material preparation, printing and other miscellaneous costs.

Compost to Citizens: Nature's Needs officials have indicated that upon implementing the program, residents would be entitled to receive one yard of compost per year. This could be done through coupons distributed to eligible residents. Further work on this idea is needed if the City decides to pursue the program.

STAFF RECOMMENDATION: Staff requests City Council direction on this matter. At this time, we are asking whether to proceed on this concept. If so, staff will pursue the steps needed to implement this proposal including: 1) any needed adjustment in residential rates; 2) addressing any detailed operational issues; and 3) developing an educational program for residents in conjunction with the other participants in this process.

White Paper on Food Waste Composting

Objective: The State of Oregon has established a hierarchy in the handling of waste. This is reflected in the graphic below where disposal is the least preferred option and reduction in waste is the most preferred. All materials that we use and consume are made of natural resources. Waste reduction, reuse, recycling and composting all help to conserve natural resources and reduce pollution. By reusing the materials that we have already extracted, the environmental impact of consumption is minimized. Further, there is a high cost to find, develop and operate waste disposal facilities. Currently such wastes are transported out of the region to appropriate facilities. This results in transportation costs. Waste reduction through recycling and composting can reduce the quantity of the waste stream and therefore cost to transport. Further, this reduced waste stream extends the life of current landfills.



Source: Oregon Revised Statutes 459.015; Oregon DEQ; RSWMP 2008-18, 2008.

Locally, this effort is part of Forest Grove's commitment to sustainability. As will be discussed below, there would be increased cost to rate payers but part of those costs would be somewhat offset by the availability of compost.

The proposal is to implement a program to combine residential food waste with yard waste and deliver the material to a suitable facility for composting. The original approach was to pursue this on a one year trial basis. However, once the program starts, expectations will occur and would be difficult to resume past service approaches.

Due to potential operating issues, the focus of this effort would be residential customers. This program is an effort to divert food wastes from disposal to composting which can be used to benefit agricultural output and help residents in maintaining their landscaping and gardens. Compost helps prevent soil erosion, retain water, suppress plant disease and block weeds.

Background: Waste Management provides solid waste pickup for the City of Forest Grove. It currently picks up yard waste and transports it to a facility in Cornelius operated by S & H Logging for composting. This facility is not equipped or certified to allow food waste as part of its composting process. A facility in North Plains, Nature's Needs (operated by Recology), has been designed and operated to accept combined food and yard waste. Located in unincorporated Washington County, the facility was approved through a conditional use permit by the County a number of years ago. It operates by a permit issued by the State Department of Environmental Quality (DEQ) and a franchise agreement issued through Washington County. The agreement was recently extended by the County for an additional five years and is valid to 2020. Through the County franchise agreement, the facility is authorized only to accept residential food waste. The County did not allow the facility to accept commercial food waste because there was concern about potential odors.

The facility currently accepts combined yard and residential food waste from the City of Portland. A non-system license was issued by Metro to allow Recology to deliver this material to Natures Needs from the Portland area.

According to Washington County staff, there are no other similar programs in the Metro area and only a few in the State of Oregon. County staff indicated that combined yard and food waste facilities and programs are common in Washington State but they are limited in Oregon because they are not allowed in Exclusive Farm Use (EFU) areas.

Waste Stream: It is estimated that 26% of the waste stream is organic material that can be composted. Based on the experience with the City of Portland, residential food waste is about 5% to 7% of the yard waste. Currently, Waste Management indicates that 2,828 tons of yard debris is collected annually in Forest Grove. Based on the Portland experience, the inclusion of food waste would add between 141 to 198 tons to the city's recovered material. This would increase the waste stream up to 3026 tons annually or about 58 tons per week on average. The compost material can benefit agricultural operations in the area as well as citizens using the compost in their yards. It also reduces the amount of material that would otherwise be disposed of at a landfill.

Natures Needs indicate that their facility is permitted to process 80,000 tons per year. They currently process 50,000 tons per year. On a weekly basis, there is a seasonal variation of the amount processed. On average, the facility processes about 1000 tons per week with about 1100 to 1200 tons per week during the peak season. The plant manager indicates that the facility can accommodate the additional weekly increase created by Forest Grove. Thus, the facility has capacity to accept the additional 3,026 tons annually of material from Forest Grove.

Players and their roles: To implement a combined food/yard waste composting program involves three primary organizations to implement:

Waste Management: Waste Management is the company that provides the waste pickup service for Forest Grove and would be the organization that would collect the food and yard waste from residential areas and deliver it to the appropriate composting site. Waste Management has agreed to provide the new program with the needed rate adjustment.

Nature's Needs: Natures Needs is a composting facility in North Plains operated by Recology. It currently receives combined yard and food waste from the City of Portland and has the needed capacity.

City of Forest Grove: The City of Forest Grove is responsible for the collection of solid waste in the community through franchise agreements. At this time, the agreement is with Waste Management and can be modified with mutual consent.

Metro: Responsible for the transfer and disposal of solid wastes within the Metro region. Any facility that is outside the Metro region must receive approval by Metro to receive solid waste from a jurisdiction within Metro. This material can flow to Natures Needs through a Non System License issued by Metro to the transporter, Waste Management.

Approaches Considered for Operation: There were two aspects considered about the approach for this program: what land use type to serve and whether to focus on a particular area in the community as a pilot project or the entire community.

Type of Generator: There were two aspects in discussing land use types to include with the initial effort: commercial/residential, and multi-family residential/single family residential.

Commercial/Residential: Implementing this program could be extended to all land uses in the city to include both non-residential and residential land uses. However, there is no nearby facility that is permitted to compost commercial food wastes. It was concluded that the program at this time would focus on residential yard wastes.

Multi-Family/Single Family: Multi-family composting requires active on-premises management to minimize recycling waste contamination. That is, to minimize the amount of non-compostable material being placed into the yard/food waste stream. As a result, it was determined that the focus would be on providing the yard and food waste composting service for single family residents.

Test Project Area or City Wide: Waste Management's concern with focusing on a test area is that it would create inconsistent operating procedures since the yard waste for one area would be delivered to North Plains while the waste from other areas would be delivered to the facility in Cornelius. This results in dissimilar run times and potential confusion for pickup and would result in a less efficient and more costly operation. As a result, a citywide approach rather than selecting a test area is the preferable way to approach this service.

Operation: The proposal is as follows:

- Begin an informational program with residents about 6 months prior to the beginning date of service (see discussion below on "Public Awareness").

One possibility is to provide containers for each single family household to place food waste. This approach has been used elsewhere but there is a cost for the containers.

- Residents would place food waste into their yard waste container.
- Waste Management trucks would pick up the combined yard and food waste.
- After a truck's collection run, the waste would be delivered to Nature's Needs. An alternative was discussed to deliver the material to the Waste Management site and transfer to larger

vehicles. This was considered by Waste Management and rejected because of additional costs associated with the transferring process.

- Nature’s Needs would receive the material and begin the composting process. It takes about 60 days to complete the composting process.

Issues: There are several issues associated with this proposal that staff has identified:

- Status of Nature’s Needs: According to County staff, food waste is considered recycling of a solid waste. As such, food wastes from jurisdictions within Metro are subject to Metro authority. For Natures Needs, its location outside the Metro region means that it cannot accept solid waste from jurisdictions within the Metro region unless authorized by Metro. To receive the combined food and yard material from Forest Grove, Metro must approve a non-system license. This will require 30 to 60 days to complete, and should not be an obstacle to implementing the program.
- Cost: The food waste program will result in additional cost in order to collect and transport the material to North Plains rather than Cornelius. In addition, there will be a cost to dispose the material at Nature’s Needs. Waste Management has estimated that the additional monthly cost for each household to include the food waste would be \$1.68 per month. This includes \$1.23 per household for increased direct costs, \$.20 per household for education efforts and \$.25 per household for increase in franchise fees and margin. The franchise fee and margin is based on a 10% rate of return before taxes and 5% franchise fee to the City. The additional cost for the food waste composting is about a 7.2% increase in customer rates.

Staff estimates that there are 4980 single family residences in the community. Using this estimate, the approximate revenue total and breakdown annually and per month would be as follows:

<u>Item</u>	<u>Revenue</u>	
	<u>Monthly</u>	<u>Annual</u>
Net Direct Costs	\$6125	\$73,505
Education Funding	\$ 996	\$11,952
Franchise Fee/Margin	<u>\$1245</u>	<u>\$14,940</u>
Total	\$8366	\$100,397
Cost per diverted ton		\$507.00

There are questions about the educational costs, particularly at start-up. Which agency would be responsible for the education piece; Forest Grove or Waste Management? It is estimated by Waste Management that direct mailing to all customers would cost about \$10,000 and additional advertising in the newspaper would be about another \$5,000 to \$10,000. It is estimated by the company that there would be about \$10,000 annually for ongoing educational costs. More discussion is provided below under “Public Awareness”.

- Odor at North Plains facility: Over the years, North Plains has experienced odor from the Nature Needs facility. However, about two years ago, Recology installed a \$5 million upgrade to the

facility to intercept and process previous odor discharges. North Plains staff has indicated that the odor has been greatly reduced for the past 1 ½ to 2 years. Also, the character of the odor that does come from the facility has changed. Before the improvements, the smell was characterized like food waste. After the improvements, the odor is described as that coming from a farm. They did indicate that there are still a few individuals that complain about odor. What is not always clear is whether the odor is from this facility or nearby farms.

- Public Awareness: A key to make this effort effective is a substantial educational effort to make residents aware of the program. It is recommended by County staff that this informational program should begin about 6 months prior to the beginning date of the service. This time period could be shorten to begin the service two weeks to one month after announcement. There is some opinion that since the service would be available over time, beginning the service will allow more persons to use the service as time passes. That was the experience with the beginning of Grovelink. There was a one month public information push before operations began. As a result of the service being available, ridership has increased over time.

Washington County staff has expressed interest in assisting in these efforts and has a variety of materials available for education. Inserts in the Waste Management billing as well as in the City Utility Billing insert would be used. This could begin at the earliest time feasible in advance of the service beginning on a monthly basis. Use of the City's website is another source to provide information to citizens. During that time, the City has a standing offer to provide newspaper articles that could be used as a basis to inform residents on the program. CCI could hold one or two workshops as part of the start-up effort to further educate residents. A workshop could be held about 6 months before service to explain the program while a follow-up workshop could be held about 1 one prior to the beginning of the service. This analysis is not intended to completely flush out the initial approach but to indicate that an initial \$1,000 to \$5,000 would be needed for start-up for material preparation, printing and other miscellaneous costs. This estimate is based on efficiently using City resources for printing and distributing informational materials.

If direct mailing and other efforts are needed, this cost could increase to the estimate provided by Waste Management above. Keep in mind that the educational costs built into the revenue item above would not be available until about one year after the service begins and would be used for ongoing educational efforts.

Another key will be ongoing reminders to residents to encourage them to properly dispose of food waste and the appropriate materials to include. This effort would not only promote the use of the service and reduce the landfill waste stream, but also would minimize contamination. One possibility would be to distribute containers to each household to place food waste into before disposing it into the yard waste bins. The cost for such an item would be over and above the education funding identified above and would need to be determined. Estimate of \$7.00 per under counter bucket or one time cost of \$35,000 for the 5,000 customers. This is not included in the education component of the rate structure.

- Compost to Citizens: Initial discussions with Natures Needs manager indicate that residents could be entitled to obtain one yard of compost per year. Such an arrangement would help promote the program and offer a benefit to residents. The manager indicated that a way to

implement this program is the use of coupons distributed to eligible residents. The City or Waste Management could provide the vehicle to distribute the coupons. Details of this program would need further development if there is interest to pursue the program.

3A

**FOREST GROVE CITY COUNCIL WORK SESSION
(BOARDS, COMMITTEES, AND COMMISSIONS INTERVIEWS)
SEPTEMBER 28, 2015 – 5:30 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 5:33 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Jesse VanderZanden, City Manager, and Anna Ruggles, City Recorder.

2. WORK SESSION: BOARDS, COMMITTEES, AND COMMISSIONS (B&C) INTERVIEWS

The following applicant was interviewed for the student vacancy on Committee for Citizen Involvement, term expiring December 31, 2016:

- Briana Larios

After Council deliberation, Council collectively made recommendation to appoint the above-noted applicant. Resolution making formal appointment will be considered at the next regular Council meeting of October 12, 2015.

Council took no formal action nor made any formal decisions during the above-noted work session.

3. ADJOURNMENT

Mayor Truax adjourned the work session at 5:45 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

3B

**FOREST GROVE CITY COUNCIL EXECUTIVE SESSION
ORS 192.660(2)(E) REAL PROPERTY TRANSACTION
SEPTEMBER 28, 2015 – 5:45 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Executive Session to order at 5:46 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; and Anna Ruggles, City Recorder.

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(E) to deliberate with persons designated by the governing body to negotiate in real property transactions.

3. ADJOURNMENT

Mayor Truax adjourned the Executive Session at 6:28 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 28, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:05 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL**

PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; George Cress, Light and Power Director; Jon Holan, Community Development Director; Rob Foster, Public Works Director; Jeff King, Economic Development Manager; J. F. Schutz, Police Chief (in the audience); and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS:

Rob Drake and Harry Bodine, People for Libraries, addressed Council and spoke in support of the Washington County Cooperative Library Services and Washington County Public Safety levies, which are on the November 3, 2015, General Election ballot.

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 14, 2015.
- B. Approve City Council Regular Meeting Minutes of September 14, 2015.
- C. Accept Committee for Citizen Involvement Meeting Minutes of May 5, July 7 and August 4, 2015.
- D. Accept Historic Landmarks Meeting Minutes of August 18, 2015.
- E. Accept Library Commission Meeting Minutes of August 11, 2015.
- F. Accept Parks and Recreation Commission Meeting Minutes of August 19, 2015.
- G. Accept Planning Commission Meeting Minutes of August 3, 2015.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 28, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

- H. Endorse New Liquor License Application (Brewery Public House) for Kaiser Brewing Company, LLC, 1607 Hawthorne Street (Applicant: Jonathan Kaiser). *ITEM REMOVED*
- I. RESOLUTION NO. 2015-68 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (KEVIN CANALES, TERM EXPIRING JANUARY 31, 2019).

MOTION: Councilor Kidd moved, seconded by Councilor Thompson, to approve the Consent Agenda as amended (Item 3. H. removed).
MOTION CARRIED 7-0 by voice vote.

3. H. ENDORSE NEW LIQUOR LICENSE APPLICATION (BREWERY PUBLIC HOUSE) FOR KAISER BREWING COMPANY, LLC, 1607 HAWTHORNE STREET (APPLICANT: JONATHAN KAISER)

Thompson voiced concern the above-noted liquor license allows sales and consumption on-premises, noting the home occupation business is located in a residential zone and could generate excessive traffic and eliminate off-street parking, pointing out the business days and hours are Tuesday through Saturday, 4pm to 11pm. Ruggles explained a Brewery License allows tastings and on-premise consumption but does not allow taking license off-premise; whereas, a Brewery – Public House license allows tastings and consumption on-premise and applying for a special event permit to take license off-premise. Ruggles advised there are specific grounds pursuant to ORS that the Oregon Liquor License Control Commission (OLCC) can refuse to issue a license, noting zoning may not fall within the statutorily defined reasons. Holan reported it is his understanding from the business license application the applicant is to brew beer and does not intend to sell for consumption on-premise. Holan referenced Development Code Section 10.7.065, home occupation standards, noting home occupation businesses could be cited for code infractions if they generate vehicular traffic in excess of that normally associated with single-family uses or for eliminating off-street parking. In conclusion of the Council discussion, Council collectively concurred to carry over Consent Agenda Item 3. H. to the next meeting of October 12, 2015, pending City Recorder seeking further advisement from OLCC, if residential zoning falls within the statutorily defined reasons for refusing to issue a liquor license.

4. ADDITIONS/DELETIONS:

VanderZanden added Agenda Item 4. A. as noted below.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 28, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

4. A. RESOLUTION NO. 2015-72 AUTHORIZING APPROVAL OF AMENDMENT NO. 1 TO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH TOKOLA PROPERTIES, INC., AND AUTHORIZING CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF FOREST GROVE

Staff Report:

Downey and Holan presented the above-proposed resolution, noting the proposed resolution is authorizing the City Manager to execute Amendment No. 1 to the exclusive negotiating agreement between the City and Tokola Properties, Inc., for property known as the Times Litho Property, located at Pacific Avenue, between A Street and B Street, as outlined in Exhibit A. Downey reported staff met with Council in Executive Session earlier to discuss the terms and conditions of the amendment, noting Tokola Properties is hesitant to proceed with the land use applications prior to starting design work until the Disposition and Development Agreement is completed but is willing to move to the next phase if the City is willing to add up to an additional \$20,000 in costs for the land use applications process in order to start construction of Phase I in the summer of 2016.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-72.

VanderZanden read Resolution No. 2015-72 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2015-72 Authorizing Approval of Amendment No. 1 to an Exclusive Negotiating Agreement with Tokola Properties, Inc., and Authorizing City Manager to Execute the Agreement on behalf of the City of Forest Grove.

Council Discussion:

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

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

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5. PRESENTATIONS:

5. A. Electronic Records Management Services (ERMS) Intergovernmental Agreement

Ruggles introduced Mary Beth Herkert, State Archives Division Director, who presented a PowerPoint presentation outlining the Oregon Records Management Solution (ORMS) program, noting the State of Oregon, acting through its offices of the Secretary of State and State Archives, has implemented a statewide solution that allows managing all electronic records in a single system from creation until final disposition. Herkert reported the State's program is known as "Oregon Records Management Solution" (ORMS) and is a cloud-based system, between the State and consulting firm, using Hewlett Packard (HP) TRIM software, noting because ORMS is cloud-based, there are no upfront infrastructure costs to agencies who participate in the program as part of the Intergovernmental Agreement (IGA). Herkert added cost is based on a monthly per-user cost, which current subscription rate is \$37.02 per month per user, with a minimum of 10 users for \$370.20 per month, noting as more agencies join the program, projected costs are as low as \$10.54 per month per user. In addition, Herkert advised the IGA partnership would allow the City to purchase the ORMS that incorporates HP Trim software with the electronic records stored offsite and accessed through a cloud-based system, noting the central data repository is located in state-of-the-art Tier 3+ data center located in a secure Oregon location and meets the Department of Defense Standards adopted by the State certified to provide highest level of information security and allows scheduled automated destruction of records (archiving) to reduce legal risk and liability and storage needs. In conclusion of the above-noted presentation, Herkert and Ruggles addressed various Council inquiries and scenarios pertaining to accessing electronic public records, liability, sharing information, costs savings, and overall program implementation process, noting over 32 agencies in Oregon are currently onboard, including cities of Beaverton, Dundee, Hillsboro, Keizer, Lebanon, Milwaukie, St. Helens, Stayton, and West Linn as well as other state and county agencies.

5. B. Economic Development Commission (EDC) Strategic Plan 2015-18

King and Cress introduced Tim Budelman, EDC Chair, who presented a PowerPoint presentation outlining the EDC's Strategic Plan 2015-18, noting the initial strategic plan was adopted by Council in 2009 and minor

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updating and streamlining occurred in 2011. Budelman reported EDC began the process of updating its strategic plan in late 2014, taking a comprehensive and deliberate approach, with the final product including a revised mission statement, revised work plan and target areas for business retention; business recruitment and attraction; new business formation; tourism; downtown; local, interagency and regional cooperation; utilities and infrastructure; and finance as well as supporting goals for each target area. In conclusion of the above-noted presentation, Budelman and King addressed various Council inquiries pertaining to the strategic plan and targeted areas, noting the 2015-18 Strategic Plan represents more extensive changes and reflects changes in post-recession and will be used to guide initiatives to sustain and grow Forest Grove's economy.

5. C. Water System Development Charges Update

Foster and Downey presented the above-noted presentation, noting staff is providing a follow-up to the Council work session held on April 27, 2015, regarding an increase of the Water System Development Charges (SDC) of an "Area-Specific" charge within the future David Hill Urban Growth Planning Zone. Foster and Downey reported staff is recommending postponing further discussion of the "area-specific" SDC until more work is done to analyze cost of providing services, noting once the Westside Study is completed new growth data can be used to more accurately assess an "Area-Specific" SDC; however, staff is recommending to increase the city-wide SDC from \$4,820 to \$5,478, based on the City's update of capital improvement needs and financial analysis study. Foster and Downey explained pursuant to ORS 223.304, the City must provide written notice to persons of interest at least 90 days of the first hearing date to establish or modify a SDC and methodology supporting the SDC must be available at least 60 days prior to the first hearing date. In conclusion of the above-noted staff presentation, Foster and Downey advised staff has prepared a public hearing legal notice setting a hearing date for the Council meeting on Monday, January 11, 2016, to consider increasing the city-wide SDC from \$4,820 to \$5,478, noting staff is seeking Council consensus to proceed with the required notification and setting the hearing date. At the conclusion of Council discussion, Council collectively concurred proceeding with the required notification and setting the above-noted hearing date.

6. SECOND READING OF ORDINANCE NO. 2015-08 ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET (PORTION OF

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**WASHINGTON COUNTY TAX LOT NO. 1S306CB00500) INTO THE
CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT
FROM FOREST GROVE RURAL FIRE PROTECTION DISTRICT.
APPLICANT: WASTE MANAGEMENT CORPORATION. FILE NO. ANX-
15-00537**

The first reading of Ordinance No. 2015-08 by title occurred at the Council meeting of September 14, 2015.

Staff Report:

Holan presented the above-proposed ordinance for second reading, noting staff had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of September 14, 2015, and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of September 28, 2015, 7:00 p.m.

Proponents:

No one 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.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the motion made at the meeting of September 14, 2015.

VanderZanden read Ordinance No. 2015-08 by title for second reading.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

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7. RESOLUTION NO. 2015-69 ADOPTING THE FOREST GROVE ECONOMIC DEVELOPMENT COMMISSION 2015-2018 ECONOMIC DEVELOPMENT STRATEGIC PLAN

Staff Report:

King and Cress presented the above-proposed resolution for Council consideration, noting the proposed resolution is adopting the EDC's 2015-18 Strategic Plan, which includes a revised mission statement, revised work plan and target areas for business retention; business recruitment and attraction; new business formation; tourism; downtown; local, interagency and regional cooperation; utilities and infrastructure; and finance, as well as supporting goals for each target area. In conclusion of the above-noted staff report, King and Cress advised EDC is recommending Council approve its Strategic Plan attached as Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-69.

VanderZanden read Resolution No. 2015-69 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Thompson, to approve Resolution No. 2015-69 Adopting the Forest Grove Economic Development Commission 2015-2018 Economic Development Strategic Plan.

Council Discussion:

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

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Peter Truax. NOES: None. MOTION CARRIED 7-0.

8. RESOLUTION NO. 2015-70 APPROVING THE SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR 2016-17 PROGRAM PERIOD (FOREST GROVE SENIOR AND COMMUNITY CENTER)

Declaration of Ex-parte Contacts, Conflicts of Interest, or Abstentions:

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Council President Johnston declared a conflict of interest and recused himself from the dais at 8:33 p.m., declaring his wife is the executive director of the Forest Grove Senior and Community Center.

Staff Report:

King and Downey presented the above-proposed resolution authorizing the City to submit an application for Community Development Block Grant (CDBG) funding for 2016-17 Program Period, noting staff has identified the Forest Grove Senior and Community Center (FGSCC) Rehabilitation Improvement Project as a priority for 2016-17 funding cycle. King advised the total project costs is \$339,080, of which the CDBG grant amount to be submitted is \$325,000 and \$14,080 match coming from several sources. King introduced Raean Johnston, FGSCC Executive Director, who was present and spoke on behalf of the FGSCC, noting the improvements to the Senior Center include final design, engineering and construction bid documents; removing and relocating inner walls; new flooring; electrical rewiring; plumbing; new countertops; new shelving and cabinets; and new equipment, i.e., range/oven, griddle, gas fryer, walk-in freezer, steam table, and sinks. In conclusion of the above-noted staff report, Downey advised there is no budgetary impact to the City, noting City staff will provide some project management as needed.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-70.

VanderZanden read Resolution No. 2015-70 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Kidd, to adopt Resolution No. 2015-70 Approving the Submission of an Application for Community Development Block Grant Funding for 2016-17 Program Period (Forest Grove Senior and Community Center).

Council Discussion:

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

VOICE VOTE: AYES: Councilors Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Peter Truax. NOES: None. ABSTAINED: Council President Johnston. MOTION CARRIED 6-0.

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Council President Johnston returned to the dais at 8:50 p.m.

9. **RESOLUTION NO. 2015-71 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND STATE OF OREGON ACTING THROUGH ITS OFFICES OF SECRETARY OF STATE AND ARCHIVES DIVISION FOR ELECTRONIC RECORDS MANAGEMENT SERVICES (IGA NO. 165-150057-15)**

Staff Report:

Downey and Ruggles presented the above-proposed resolution authorizing the City Manager to endorse an Intergovernmental Agreement (Exhibit A) between City and the State of Oregon, acting through its offices of the Secretary of State and State Archives Division, allowing the City to implement the State's electronic records management services that incorporates HP Trim software known as "Oregon Records Management Solution" (ORMS). Downey and Ruggles reported because ORMS is cloud-based, there are no upfront infrastructure costs to the City to participate in the program as part of the IGA, noting the monthly per-user current subscription rate is \$37.02 per month per user, with a minimum of 10 users for \$370.20 per month, and includes software, hardware, support, ongoing staff training, data storage, ongoing hardware and software maintenance, and upgrades. Ruggles indicated staff is recommending implementing ORMS in the City Recorder's Office, which includes Council legislative and administrative records, and then expanding to other departments in the future, i.e., engineering and community development, noting the City Recorder's Office has been utilizing day-forward scanning to convert records to electronic format for some time now and will continue converting into electronic format legislative and administrative records dating back to when the city was first incorporated. In conclusion of the above-noted staff report, Downey and Ruggles advised staff is recommending Council approved the IGA attached as Exhibit A, noting funds for implementing the State's electronic records management services are budgeted in FY 2015-16 budget.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-71.

VanderZanden read Resolution No. 2015-71 by title.

MOTION: Councilor Kidd moved, seconded by Council President

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Johnston, to adopt Resolution No. 2015-71 Authorizing City Manager to Endorse an Intergovernmental Agreement between the City of Forest Grove and State of Oregon acting through its offices of Secretary of State and Archives Division for Electronic Records Management Services (IGA No. 165-150057-15).

Council Discussion:

In response to Lowe's inquiry pertaining to insurance rating, Downey advised he does not believe the IGA will reduce the City's CIS insurance rating.

In response to Uhing's inquiry pertaining to police records, Downey explained the Police Department would continue using its own records management system, known as Regional Justice Information Network (RegJin).

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

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Peter Truax. NOES: None. MOTION CARRIED 7-0.

10. CITY MANAGER'S REPORT:

VanderZanden 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 Report.

VanderZanden suggested changing the order of the Council meeting agenda so Council Communications are heard prior to the City Manager's Report in an effort to not double report on items that are mentioned in the City Manager's Report, to which Council collectively concurred proceeding with Council meeting agenda as follows: 1) Council Communications; 2) City Manager's Report; and 3) Mayor's Report. In addition, VanderZanden distributed a copy of the City Manager written report, which outlined various attended meetings and updates on various City department-related activities, projects, and upcoming city-wide events.

11. COUNCIL COMMUNICATIONS:

Council President Johnston reported attending League of Oregon Cities (LOC) Conference and recapped his highlights of the conference. Johnston thanked and commended Mayor Truax for his outstanding

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speech as LOC President. Johnston announced the Mayor's Dinner and Auction is October 24, 2015, 6pm, Forest Grove Senior and Community Center. Johnston reported the Parks and Recreation Commission received over 500 on-line responses on the Parks/Community Center Master Plan Survey. In addition, Johnston reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Kidd reported attending LOC Conference and recapped his highlights of the conference. Kidd reported attending Historic Landmarks Board (HLB) meeting, noting HLB awarded a historic preservation grant. In addition, Kidd reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Lowe reported she was unable to attend Sustainability Commission meeting because she attended LOC Conference. Lowe recapped her highlights of the conference. In addition, Lowe reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Thompson reported attending LOC Conference and recapped his highlights of the conference. Thompson reported attending the Public Safety Advisory Commission meeting, noting the Police Department was awarded two COP grants. Thompson thanked and commended Jeff King, Economic Development Manager, noting King dedicated a lot of his time and effort into preparing the CDBG application on behalf of Forest Grove Senior and Community Center. In addition, Thompson reported on Grovelink-related activities, other matters of interest, and upcoming meetings he was planning to attend.

Uhing reported attending Washington County Economic Alliance meeting and recapped mental health legislative-related topics. In addition, Uhing reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Wenzl reported attending her first LOC Conference and recapped her highlights of the conference. In addition, Wenzl reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities, events and

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meetings as noted in the Council Calendar. Mayor Truax reported attending LOC Conference and recapped his highlights of the conference. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

12. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:21 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

MEMORANDUM

TO: Mayor Peter Truax and City Councilors

PROJECT TEAM: Anna D. Ruggles, CMC, City Recorder
Jesse VanderZanden, City Manager

DATE: October 12, 2015

SUBJECT: Make Appointment to Committee for Citizen Involvement

BACKGROUND:

The Council interviewed Briana Larios, September 28, 2015, in Work Session, and made recommendation to appoint Larios as a Non-Voting Student Advisor to Committee for Citizen Involvement, term expiring January 31, 2016.

STAFF RECOMMENDATION:

Staff is recommending the City Council consider approving the attached resolution making the above-noted appointment. If Council desires not to make these appointments, Council may reject placing these items on the Consent Agenda and/or discuss separately.

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RESOLUTION NO. 2015-73

**RESOLUTION MAKING APPOINTMENT TO
COMMITTEE FOR CITIZEN INVOLVEMENT
NON-VOTING STUDENT ADVISOR**

WHEREAS, Resolution No. 1991-57 has provided for a Committee for Citizen Involvement; and

WHEREAS, Resolution Number 2006-10 provides that vacancies on City Advisory Boards, Committees, and Commissions brought about by resignation or removal shall be filled by appointment to fill the term of that seat by the City Council; and

WHEREAS, there currently is a student advisory vacancy on the Committee for Citizen Involvement; and

WHEREAS, it is the desire of the City Council to appoint a student advisor to serve as a non-voting member on the Committee for Citizen Involvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. That the following person is hereby appointed to the City of Forest Grove Committee for Citizen Involvement for the following term (new appointment noted in **BOLD**):

<u>Last Name:</u>	<u>First Name:</u>	<u>Representative:</u>	<u>Term Expires:</u>
LARIOS	BRIANA	Non-Voting Student Advisor	January 31, 2016

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of October, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of October, 2015.

Peter B. Truax, Mayor



Interview
Sept 28, 2015
5:30pm

STUDENT ADVISORY BOARDS, COMMITTEES, & COMMISSIONS

(Please complete, print and sign and/or use electronic signature, date application form and return to:

RECEIVED
AUG 27 2015
BY:

City of Forest Grove
Attn: Anna Ruggles, City Recorder
1924 Council Street • P. O. Box 326
Forest Grove, OR 97116-0326
Fax • 503.992.3207 Office • 503.992.3235
aruggles@forestgrove-or.gov

Please check the Student Advisory Board on which you would like to be considered for appointment. If interested in serving on multiple Boards, please list the order of preference (1-8). Term expires December 31st with the option to apply for reappointment for additional term(s). (Please note: The meeting dates/times are subject to change with advance notice).

- | | | | |
|---|-----------------------------------|--|-----------------------------------|
| <input checked="" type="checkbox"/> Committee for Citizen Involvement | 1 st Tuesday, 5:30pm | <input type="checkbox"/> Parks & Recreation Commission | 3 rd Wednesday, 7am |
| <input type="checkbox"/> Community Forestry Commission | 3 rd Wednesday, 5:15pm | <input type="checkbox"/> Public Arts Commission | 2 nd Thursday, 5pm |
| <input type="checkbox"/> Economic Development Commission | 1 st Thursday, Noon | <input type="checkbox"/> Public Safety Advisory Commission | 4 th Wednesday, 7:30am |
| <input type="checkbox"/> Historic Landmarks Board | 4 th Tuesday, 7:15pm | <input type="checkbox"/> Sustainability Commission | 4 th Thursday, 6pm |
| <input type="checkbox"/> Library Commission | 2 nd Tuesday, 6:30pm | | |

student

NAME: Briana Larios HOME PHONE: [REDACTED]
 RESIDENCE ADDRESS: [REDACTED] Forest Grove, OR OTHER PHONE: [REDACTED]
 MAILING ADDRESS: _____ E-MAIL: [REDACTED]
 SCHOOL: Forest Grove High School GRADE ENROLLED: 9th Grade

Years living in Forest Grove? 14 Live in City limits? Yes How did you hear of this opportunity? Through Adelante Mujeres

How would you currently rate City's performance? Excellent Good Fair Poor

What ideas do you have for improving "Fair" or "Poor" performance? Having more citizen involvement in order to generate decisions that are beneficial for the population of Forest Grove.

Why are you interested in serving on the Advisory Board/Committee/Commission? I strongly believe it is of great importance to offer your contributions to your community.

What contributions do you feel you can/will make to the Board/Committee/Commission? Most importantly I feel that I will provide a new perspective, that will hopefully be of good use.

What qualifications, skills, or experiences would you bring to the Board/Committee/Commission? I will offer my experience as a participant in a citizen involvement forum as well as my experience as a Latina community member/student.

Previous/current appointed offices: _____

Previous/current community affiliations or extracurricular activities: volleyball and Chicas program

If not appointed at this time, may we keep your name on file? Yes No

Signature: <u>BRIANA LARIOS</u>	Date: <u>08-20-15</u>
<small>I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.</small>	

(Student App 01/14)

CCF - 1/31/16

Memorandum

To: Mayor Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder
Jesse VanderZanden, City Manager

Subject: Make Appointment to Historic Landmarks Board

Date: October 12, 2015

BACKGROUND:

The Council interviewed MJ Guidetti-Clapshaw, September 28, 2015, in Work Session, and made recommendation to appoint Guidetti-Clapshaw to the Historic Landmarks Board, term expiring December 31, 2018. Staff has contacted Guidetti-Clapshaw who has advised staff that she is available and interested in serving and filling the vacancy on the Historic Landmarks Board.

STAFF RECOMMENDATION:

Staff is recommending the City Council consider approving the attached resolution making the above-noted appointment. If Council desires not to make this appointment, Council may reject placing this item on the Consent Agenda and/or discuss separately.

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RESOLUTION NO. 2015-74

**RESOLUTION MAKING APPOINTMENT
TO THE CITY OF FOREST GROVE
HISTORIC LANDMARKS BOARD**

WHEREAS, the City of Forest Grove has provided for a Historic Landmarks Board pursuant to City Code; and

WHEREAS, Resolution Number 2006-10 provides that vacancies on City Advisory Boards, Committees, and Commissions brought about by resignation or removal shall be filled by appointment to fill the term of that seat by the City Council; and

WHEREAS, there currently exist vacancies on the Historic Landmarks Board; and

WHEREAS, the City Council has received applications from citizens desiring to serve on the Historic Landmarks Board, and subsequently interviewed citizens making application for service on this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. That the following person is hereby appointed to the City of Forest Grove Historic Landmarks Board for the following term (new appointment noted in **CAPS** and **BOLD**):

<u>Last Name:</u>	<u>First Name:</u>	<u>Term Expires:</u>
GUIDETTI-CLAPSHAW	MJ	December 31, 2018

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of October, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of October, 2015.

Peter B. Truax, Mayor

CITIZEN ADVISORY BOARDS, COMMITTEES, & COMMISSIONS

*Interviewed
Sept 1 2015
5:30pm*

RECEIVED
JUN 19 2015
BY: *Jaimie Johnson*

(Please complete, sign and date application form and return to:
City of Forest Grove
Attn: Anna Ruggles, City Recorder
1924 Council Street • P. O. Box 326
Forest Grove, OR 97116-0326
Fax • 503.992.3207 Office • 503.992.3235
aruggles@forestgrove-or.gov

Please check the Advisory Board on which you would like to be considered for appointment. If interested in serving on multiple Boards, please list the order of preference (1-10). Terms vary. (Please note: The meeting dates/times are subject to change with advance notice).

<input checked="" type="checkbox"/> Budget Committee	3-4 times in May	<input type="checkbox"/> Parks & Recreation Commission	3 rd Wednesday, 7am
<input type="checkbox"/> Committee for Citizen Involvement	1 st Tuesday, 5:30pm	<input type="checkbox"/> Planning Commission	1 st & 3 rd Monday, 7pm
<input type="checkbox"/> Community Forestry Commission	3 rd Wednesday, 5:15pm	<input type="checkbox"/> Public Arts Commission	2 nd Thursday, 5pm
<input type="checkbox"/> Economic Development Commission	1 st Thursday, Noon	<input type="checkbox"/> Public Safety Advisory Commission	4 th Wednesday, 7:30am
<input type="checkbox"/> Historic Landmarks Board	4 th Tuesday, 7:15pm	<input type="checkbox"/> Sustainability Commission	4 th Thursday, 6pm
<input type="checkbox"/> Library Commission	2 nd Tuesday, 6:30pm		

NAME: MJ Guidetti-Clapshaw HOME PHONE: [REDACTED]
 RESIDENCE ADDRESS: [REDACTED] BUSINESS PHONE: [REDACTED]
 MAILING ADDRESS: _____ E-MAIL: [REDACTED]
 EMPLOYER: Eshraghi Nursery/Farmington Gardens OCCUPATION/PROFESSION: Dept. Manager/Buyer

Years living in Forest Grove? 6 Live in City limits? Yes How did you hear of this opportunity? City website
 How would you currently rate City's performance? Excellent Good Fair Poor

What ideas do you have for improving "Fair" or "Poor" performance? creating small events, meetings or gatherings targeted to neighborhoods, (similar to National Night Out). Keep encouraging local businesses, council members and the mayor to stay connected to these neighborhoods.

Why are you interested in serving on the Advisory Board/Committee/Commission? I enjoy being involved with my community I see my community and city as an extension of my family. It is important to have a better understanding of why & how decisions are being made. I would like to be part of this process & inspire others to do so.

What contributions do you feel you can/will make to the Board/Committee/Commission? I have the skills & desire to inspire others to be involved. I believe events, small or large, can bring people together, building a stronger community. I have experience organizing and managing events, I am highly motivated with any project I take on.

What qualifications, skills, or experiences would you bring to the Board/Committee/Commission? I communicate clearly to a variety of different people, I am organized, reliable and follow through with all projects. I have experience getting people involved with new projects and ideas, helping them follow through and setting them up to be successful.

Previous/current appointed or elected offices: Various job related groups and projects, PTA President, Seattle, WA

Previous/current community affiliations or activities: _____

If not appointed at this time, may we keep your name on file? Yes No

Name: <u>Mary Jane Guidetti-Clapsha</u>	Date: <u>6/19/2015</u>
---	------------------------

*has CCI position
Accepted HUB asst*

M-J Guidetti

(App 01/14)

Term Exp 12/31/18

MEMORANDUM

To: Mayor Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder
Janie Schutz, Police Chief
Jon Holan, Community Development Director
Jesse VanderZanden, City Manager

Subject: HEARING: New Liquor License Application

Date: October 12, 2015

Kaiser Brewing, Co., LLC, 1607 Hawthorne Street, Applicant: Jonathan Kaiser, Brewery – Public House New Liquor License Application: Allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine, and cider for consumption on or off the licensed premises.

BACKGROUND:

At the Council meeting of September 28, 2015, Council asked staff to conduct further investigation to determine if zoning was within the statutorily defined reasons for the City to submit an unfavorable recommendation to the Oregon Liquor Control Commission (OLCC). Attachment 1 is a memo from OLCC's investigator who has advised the City that zoning issues do not fall within the statutorily defined reasons OLCC can deny a license. That said, even though zoning is not a denial criterion for OLCC's licensing process, if an individual becomes licensed in an area and receives citations or violations, the licensee can also receive citations from OLCC for permitting unlawful activity, which may result in license cancellation; although, violations would need be documented and there are reports and investigations that would need to occur on behalf of OLCC.

In regards to Kaiser Brewing's liquor license application, it is OLCC's and the City's understanding from the applicant that he is seeking a liquor license in order to brew beer in his detached garage, which he will then sell via securely covered container (growlers). The applicant indicates that he does not intend to sell for consumption on-premises, but may offer sample tastings to patrons to aid in deciding preference. The applicant indicates the reason he is applying for a Brewery - Public House license, rather than a Brewery license, is the public house license allows applying for a special event permit to take the license off-premise, i.e., farmers' market, and a brewery license is not eligible to obtain a special event permit (Attachment 4, License Type). The applicant has a valid home occupation City business license and the applicant is aware of the Development Code Standards regarding the City's concern/zoning issues and generating excess vehicular traffic and limiting off-

street parking (Attachment 5, Home Occupations Code).

Anyone who sells or serves alcoholic beverages in Oregon must be licensed by OLCC. Anyone can apply for a liquor license, but approval is granted only after OLCC has conducted a thorough investigation, including posting a public notice at the business location for 14 days. The OLCC ultimately decides to grant or deny a liquor license and the City's determination is one of the factors taken into consideration. Valid grounds established by OLCC for an unfavorable recommendation by the City must be limited to those grounds considered by OLCC in making an unfavorable determination on a license application (Attachment 2, Reasons OLCC can deny or restrict a license).

OLCC requires that an applicant give notice to the City when an application is made for issuance of a liquor license. In accordance with ORS, OLCC allows jurisdictions **45** days to conduct an investigation. If the City is considering an unfavorable recommendation, an additional 45 days may be requested. The liquor license application was submitted to the City on September 11, 2015 (31 days).

Pursuant to City Code 7.805, any person or business requesting City Council endorsement for a new liquor license must submit to a criminal background check and must obtain or have a valid City business license in accordance with City Code if applicable. The Police Chief conducts a thorough criminal background investigation of the licensee and responsible parties and makes a recommendation to the City Council. The Police Chief may make the following recommendations:

- **Favorable**, the Police Chief finds no legal basis for an unfavorable recommendation as provided by Oregon liquor laws.
- **Unfavorable**, the Police Chief finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws (ORS 471.133). Valid grounds established by OLCC for an unfavorable recommendation by the City must be limited to those grounds considered by OLCC in making an unfavorable determination on a liquor license application (Attachment 2, Reasons OLCC can deny or restrict a license).

Pursuant to ORS 471.164, the City can adopt reasonable time, place and manner regulations (Attachment 3, time, place and manner) to assist in controlling nuisance aspects of businesses that have liquor licenses. To date, most jurisdictions have not developed and implemented these regulations. The City of Portland passed the first Time, Place and Manner ordinance and has had success with abating neighborhood issues around problem establishments.

STAFF RECOMMENDATION:

The City Council shall hold a hearing to allow the applicant an opportunity to address Council. After the hearing, Council shall grant, deny or restrict the liquor license application. If Council denies or restricts the liquor license application, the Council must find valid grounds to restrict or make an unfavorable recommendation to OLCC as provided by Oregon liquor laws (ORS 471.133). Council may also request an additional **45** days to conduct further investigation, if Council is considering an unfavorable recommendation, and another hearing date is set. The Council's findings are forwarded to OLCC Commissioners for final determination.

**FOREST GROVE CITY COUNCIL
NEW LIQUOR LICENSE APPLICATION
HEARING**

Kaiser Brewing, Co., LLC, 1607 Hawthorne Street, Applicant: Jonathan Kaiser, Brewery – Public House New Liquor License Application: Allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine, and cider for consumption on or off the licensed premises.

The Forest Grove City Council will hold a Hearing on **Monday, October 12, 2015, 7:00 p.m., or shortly thereafter, in the Community Auditorium, 1915 Main Street**, to allow applicant an opportunity to address Council.

After the hearing, Council shall grant, deny or restrict the liquor license application. If Council denies or restricts the liquor license application, the Council must find valid grounds to restrict or make an unfavorable recommendation to OLCC as provided by Oregon liquor laws (ORS 471.133). Council may also request an additional 45 days to conduct further investigation, if Council is considering an unfavorable recommendation, and another hearing date shall be set.

A copy of the staff report is available online: www.forestgrove-or.gov. Written comments or testimony may be submitted by e-mail to City Recorder's Office, aruggles@forestgrove-or.gov, or sent to P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing date.

Anna D. Ruggles, CMC, City Recorder

Copy of Notice sent to applicant: October 7, 2015



\$1000 7128 115

FOR CITY USE ONLY
(Please return to City Recorder) 6

The City of Forest Grove
Recommends that license be

Granted **Denied**

\$100.00 Original App Fee: Paid: _____
 \$ 75.00 Change App Fee:
 \$ 35.00 Renewal or Temp App Fee
 \$ 22.60 Special Event

Acct No. 100-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT LIQUOR LICENSE RECOMMENDATION

NAME OF APPLICANT/BUSINESS: Kaiser Brewing Co. LLC (Applicant: Jonathan Kaiser)

APPLICANT/BUSINESS ADDRESS: 1607 Hawthorne St – Forest Grove

LIQUOR LICENSE TYPE: Brewery Public House

CITY BUSINESS LICENSE: BL-001903 (Home/Mobile Business)

TYPE OF LICENSE REQUESTED:
Application is being made for

<p>ACTION:</p> <input type="checkbox"/> Change in Application <input checked="" type="checkbox"/> New Application <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<p><input type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.</p> <p><input checked="" type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".</p> <p><input type="checkbox"/> F – CAT Caterer <input type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location</p>	<p><input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises.</p> <p><input type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.</p> <p><input checked="" type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input type="checkbox"/> Other: _____</p>
<input checked="" type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____		

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

Janie Schutz, Chief of Police
 - or Designee

Date 9/17/2015



LIQUOR LICENSE APPLICATION



Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: JR

Date: 9-9-15

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① JONATHAN KAISER ③ _____

② Kaiser Brewing Company LLC ④ _____

2. Trade Name (dba): KAISER BREWING COMPANY, LLC

3. Business Location: 1607 HANTHORNE ST. FOREST GROVE, WASHINGTON, OR. 97116
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: SAME
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 412 9628
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? FOREST GROVE
(name of city or county)

11. Contact person for this application: JONATHAN KAISER _____
(name) (phone number(s))

(address) FOREST GROVE, OR. 97116 _____
(fax-number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 7/29/15 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

RECEIVED
AUG 03 2015
Initials: JR
Oregon Liquor Control Commission

OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE



11067216-98 / 7-9-15

Please Print or Type

LLC Name: KAISER BREWING COMPANY LLC Year Filed: 2015

Trade Name (dba): Kaiser Brewing Company

Business Location Address: 1607 HAWTHORNE ST.

City: FOREST GROVE ZIP Code: 97116

List Members of LLC:

Percentage of Membership Interest:

- | | |
|--|-------|
| 1. <u>JONATHAN KAISER</u>
(managing member) | _____ |
| 2. _____
(members) | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: JONATHAN KAISER DOB: 6-28-72

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

Signature: [Signature] MANAGING MEMBER
(name) (title) Date: 7/20/15



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type Kaiser Brewing Company
Applicant Name: JONATHAN KAISER LLC Phone: 503 412 9628
Trade Name (dba): KAISER BREWING COMPANY, LLC
Business Location Address: 1607 HAWTHORN ST.
City: FOREST GROVE ZIP Code: 97116

DAYS AND HOURS OF OPERATION

Business Hours: Sunday to Monday to Tuesday 4 to 11 Wednesday 4 to 11 Thursday 4 to 11 Friday 4 to 11 Saturday 11 to 11
Outdoor Area Hours: Sunday to Monday to Tuesday to Wednesday to Thursday to Friday to Saturday to
The outdoor area is used for:
Food service Hours: to
Alcohol service Hours: to
Enclosed, how
The exterior area is adequately viewed and/or supervised by Service Permittees.
(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain:

ENTERTAINMENT

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

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

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

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date:

I understand if my answers are not true and complete, the OLCC may deny my license application.
Applicant Signature: Date: 7/20/15

1-800-452-OLCC (6522)



BUSINESS LICENSES
 1924 COUNCIL STREET
 PO BOX 326
 FOREST GROVE, OR 97116-0326
 (503) 992-3269
 WWW.FORESTGROVE-OR.GOV

#100028073

APPLICATION FOR CITY BUSINESS LICENSE

This is an amended application

Business Name: <i>KAYSER BREWING COMPANY, LLC</i>		Business Owner: (if owned by a corporation, provide corporate name and local contact) <i>JONATHAN KAYSER</i>	
Business Street Address: <i>1607 HAWTHORNE ST. FOREST GROVE, OR. 97116</i>		Owner or Corporate Address (if different than Business Address):	
Business Mailing Address (if different):		Owner or Corporate Telephone (if different than Business Phone #):	
Business Telephone: <i>503-412-9628</i>		Describe nature and type of business at this location: <i>Nano-brewery specializing in craft beer in a detached garage w/ mobile beer taps, growler fills, etc.</i>	
Local Contact Name & Email (license cannot be emailed): <i>JONATHAN KAYSER kaiserbrewing@gmail.com</i>			
Business/Building Square Footage:	Property Owner or Management Company (if not owner): <i>JONATHAN KAYSER</i>	Phone: <i>503-412-9628</i>	
# of FTE working in Forest Grove (includes owners): <i>2</i>	Fee owed (from fee calculation worksheet attached): <i>\$60.00</i>		

Emergency Contacts:

Primary emergency contact:	Phone: (Day and night)	Relationship to business/owner:
Secondary emergency contact:	Phone: (Day and night)	Relationship to business/owner:

Is this a home business? Yes No

Is this a mobile business? Yes No

* Contact the Community Development Dept. to be sure your home business complies with all relevant city codes.

Type of Business:

- Corporation Limited Liability Partnership (LLP) Non-Profit
 Limited Liability Company (LLC) Partnership Sole Proprietor/Individual

Business Category:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Accommodations/Food & Beverage | <input type="checkbox"/> Health Care & Social Services |
| <input type="checkbox"/> Adult/Child Care | <input type="checkbox"/> Information Services |
| <input type="checkbox"/> Agriculture/Forestry/Mining | <input type="checkbox"/> Manufacturing |
| <input type="checkbox"/> Antiques/2nd-Hand Goods (Dealer's Permit App) | <input type="checkbox"/> Professional/Scientific/Technical Services |
| <input type="checkbox"/> Arts/Entertainment/Recreation | <input type="checkbox"/> Real Estate Services |
| <input type="checkbox"/> Commercial Services | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Contractor | <input type="checkbox"/> Security Services (Attach DPSST certificate) |
| - CCB #/exp date _____ (attach copy) | <input type="checkbox"/> Transport/Warchousing |
| - Metro #/exp date _____ (attach copy) | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Educational Services | <input type="checkbox"/> Wholesale/Trade |
| <input type="checkbox"/> Financial & Insurance Services | <input type="checkbox"/> Other: Describe: _____ |

ALL REMODLING REQUIRES A BUILDING PERMIT

- ✓ A fire inspection may be required before occupying the building or opening for business. Please contact the Fire Marshall's office, located at 1919 Ash Street, at (503) 992-3176 for questions or to arrange for an appointment.
- ✓ All new businesses should contact the Community Development Department, located in City Hall at 1924 Council Street, for zoning compliance.
- ✓ A fee is required. See separate fee calculation worksheet. The City requires a business license and fee in order to raise revenue. Issuance of a business license does not excuse a business from compliance with applicable federal, state and municipal laws, including regulations of the City. The undersigned declares, under penalty of law, that the information in this application is true. A copy of this application may be disclosed to requestors under Oregon's Public Records Law.

 Signature of Authorized Representative
 JONATHAN KAYSER Print Name
 7/9/15 Date



BUSINESS LICENSES

1924 COUNCIL STREET
PO BOX 326
FOREST GROVE, OR 97116-0326
(503) 992-3269
WWW.FORESTGROVE-OR.GOV

Business License

THIS LICENSE IS NOT TRANSFERABLE OR ASSIGNABLE AND
MUST BE POSTED IN A CONSPICUOUS PLACE AT THE LOCATION

Business Name:	KAISER BREWING COMPANY LLC	License #:	BL-001903
		Issue Date:	8/6/2015
DBA Name:	KAISER BREWING COMPANY LLC	Expiration Date:	8/5/2016
Business Address:	1607 HAWTHORNE ST FOREST GROVE, OR 97116		
Home Business:	YES		
Mobile Business:	YES		

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From: [VETTER, Karlee * OLCC](#)
To: [Anna Ruggles](#)
Subject: RE: Kaiser Brewing Company
Date: Tuesday, September 29, 2015 10:58:53 AM
Attachments: [reasons to deny license.pdf](#)
[Reasons to deny.doc](#)

Anna,

Thank you for the e-mail and information regarding the code(s) referenced.

As I briefly indicated in my message to you, zoning issues do not fall within the statutorily defined reasons OLCC can deny a license. The statute and rule governing reasons we can deny or restrict a license are found in ORS 471.313 and OAR 845-005-0335. Below you will find a copy of the statute and rule in their entirety; and attached to this e-mail is a summary of this information as well as information regarding Time, Place, Manner. One of your technicians has been traveling the state meeting with Local Governing Bodies to discuss these issues, and you may have met with her (Sarah Morgan).

Now, with that said, even though zoning is not a denial criterion for our licensing process, if an individual becomes licensed in an area and receives citations or violations from their LGB regarding zoning, the licensee can receive a ticket from us for permitting unlawful activity which may ultimately result in license cancellation, although these would need to be documented and there are reports and investigations that would need to occur on our end.

In regards to this application, it is my understanding from the applicant that he is seeking a license in order to brew beer in his detached garage, which he will then sell via securely covered container ("growlers"; growler fill station). He indicated he does not intend to sell for consumption on-premises, but may offer a sample tastings to a patron to aid in deciding what to fill the growler with.

I am not sure what, if any, conversations the city has had with the applicant regarding the zoning etc, however often times when Local Governing Bodies have discussions with applicants regarding the City's concern/zoning issues and are educated that this may result in code infractions and fines; and understand these citations could then result in violations from OLCC which may result in license cancellation, the applicant will choose to withdraw their application and seek a more appropriate business space. This is not always the case though, and some applicants choose to move forward with the application despite the risk of incurring violations.

Please let me know if you have any other questions, or if there is anything else I can help you with.

ORS 471.313 Grounds for refusing to issue license. The Oregon Liquor Control Commission may refuse to license any applicant under the provisions of this chapter if the commission has reasonable ground to believe any of the following to be true:

(1) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. In determining whether there are sufficient licensed premises in the locality, the

commission shall consider seasonal fluctuations in the population of the locality and shall ensure that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

(2) That the applicant has not furnished an acceptable bond as required by ORS 471.311 or is not maintaining the insurance or bond required by ORS 471.168.

(3) That, except as allowed by ORS 471.392 to 471.400, any applicant to sell at retail for consumption on the premises has been financed or furnished with money or property by, or has any connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

(4) That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

(b) Has made false statements to the commission.

(c) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

(e) Has maintained an insanitary establishment.

(f) Is not of good repute and moral character.

(g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the commission when previously licensed.

(h) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

(i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(j) Is unable to read or write the English language or to understand the laws of Oregon relating to alcoholic liquor or the rules of the commission.

(5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege. [Formerly 471.295; 2001 c.785 §1; 2011 c.165 §1; 2013 c.149 §1]

OAR 845-005-0355

Restricting License Privileges and Conduct of Operations

(1) The Commission may restrict a license or service permit when:

(a) In the absence of a restriction, the Commission has a basis to cancel, suspend/fine or deny the license or service permit;

(b) In addition to all or part of a suspension or fine, a restriction may prevent the recurrence of the problem(s) that caused the violation(s);

(c) The Commission determines that a restriction is in the public interest or convenience; or

(d) The Commission has a basis to refuse the license and the applicant or licensee has submitted a qualifying control or operating plan as good cause to overcome the refusal basis. In these circumstances the Commission shall impose as restrictions those elements of the control or operating plan that the Commission determines are essential to overcoming the refusal basis.

(2) In determining public interest or convenience reasons to restrict a license or permit, the Commission considers factors that include but are not limited to:

(a) The character or environment of the neighborhood in which the licensed premises operate;

(b) The need to eliminate or prevent conditions that have contributed to or that the Commission reasonably believes will contribute to liquor or criminal law violations by the licensee, patrons of the licensed premises or the public, including conditions that have or are likely to contribute to noise, music or sound vibrations from inside or outside the premises that a reasonable person would consider excessive or obtrusive; or

(c) The need to limit the availability of alcohol to minors, visibly intoxicated persons or street drinkers.

(3) The Commission has determined that it is not in the public interest or convenience to issue or renew:

(a) A license that allows off-premises sales in an area frequented by street drinkers, unless the Commission restricts the sales of the alcoholic beverages associated with street drinkers;

(b) A license to a relative or associate of a person whose license was cancelled, surrendered or not renewed because of problems at the premises that involved the person, unless the Commission restricts the relative or associate from permitting the person from being on the premises;

(c) A license or permit to a person who has a recent history or record of alcohol or drug problems, unless the Commission requires the person to complete an alcohol/drug treatment program and follow the program's recommendations regarding alcohol/drug use or to abstain from alcohol/drug use.

(4) When the Commission restricts a license or service permit, it notifies the licensee or permittee. If the licensee or permittee disagrees with the restriction, the licensee or permittee has the right to a hearing under the procedures in ORS chapter 183; OAR chapter 137, division 003; and OAR chapter 845, division 003.

(5) A licensee or permittee who has a restricted license or permit must exercise license or permit privileges only in compliance with the restriction(s). Failure to comply with the restriction(s) is a Category I violation.

(6) A restriction remains in effect until the Commission removes it. The licensee or permittee may ask the Commission to remove or modify a restriction. The written request must explain why the licensee or permittee believes the Commission should remove or modify the restriction. The Commission will notify the licensee or permittee, in writing, of its decision to approve or deny the request and the basis for its decision. If the Commission denies the request, the licensee or permittee has the right to a hearing under the procedures in ORS Chapter 183; OAR chapter 137,

division 003; and chapter 845, division 003.

(7) As used in subsections (2)(c) and (3)(a) of this rule, "street drinkers" means people who drink unlawfully in streets, alleys, parks and other similar public places.

(8) As used in subsection (2)(b) of this rule, "conditions" means conditions in the immediate vicinity of the premises that are related to the exercise of the license privileges and conditions in the premises or in the areas around the premises that the applicant/licensee controls.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.313, 471.405(1)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 6-2001, f. 8-15-01, cert. ef. 9-1-01; OLCC 7-2006(Temp), f. & cert. ef. 6-15-06 thru 12-11-06; OLCC 13-2006, f. 10-19-06, cert. ef. 12-12-06; OLCC 2-2011, f. 2-23-11, cert. ef. 3-1-11

Karlee Vetter

Investigator/Inspector

(503)872-5216

karlee.vetter@oregon.gov

REASONS WE CAN DENY OR RESTRICT A LICENSE

ORS 471.313 (4)(5) OAR 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

- Applicant has a habit of using alcohol or drugs to excess
- Applicant makes a relevant false statement to OLCC
- Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
- Applicant has demonstrated poor moral character
- Applicant has a poor record of compliance when previously licensed by OLCC
- If the business or applicant has a history of serious and persistent problems and we believe similar activities will occur at this location. The problems can include:
 - ✓ obtrusive or excessive noise, music or sound vibrations
 - ✓ public drunkenness
 - ✓ fights or altercations
 - ✓ harassment
 - ✓ unlawful drug sales
 - ✓ alcohol or related litter

OLCC is not able to consider the following issues when deciding to issue a liquor license:

- Lack of parking
- Increase in traffic
- Too many licenses in a specific area (saturation)
- Entertainment type - nude dancing, gambling, live bands, etc.
- Increased noise
- Zoning issues

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TIME, PLACE AND MANNER

Oregon Revised Statute 471.164 allows cities and counties to develop regulations to assist in controlling nuisance aspects of businesses that have liquor licenses. To date, most jurisdictions have not developed and implemented these regulations. This can be an effective tool at the local level.

In 2004, Portland City Council passed the first Time, Place, and Manner (TPM) ordinance and has had great success with abating neighborhood issues around problem establishments. TPM is designed to address problems associated with a specific individual licensee. The types of nuisance activities that can be addressed are:

- Operation of sound producing equipment
- Disorderly conduct
- Offensive littering
- Drinking on public rights-of-way, unless officially authorized
- Interference with vehicle ingress and egress
- Alcoholic beverage violations in parks, where violation is tied to specific licensee
- Discharge of a firearm at an establishment
- Illegal drug activity
- Prostitution
- Homicide*
- Felony sex offense*
- Assault causing serious physical injury*

They developed a complaint process which includes collecting documentation from neighbor logs, pictures, video, 911 calls, police reports and noise citations. Once a complaint is substantiated, a notice is sent to the establishment with all the details of the complaint. Included in the letter are resources and tools available for preventing future problems. If problems continue and the licensee receives three or more nuisance activity violations within a 60-day period, or one serious incident*, the licensed establishment is required to respond and submit an abatement plan that demonstrates how the nuisance activity violations will be resolved.

The City has the ability to accept, modify, or reject the abatement plan. They have developed a hearings process if the problem persists and could ultimately have restrictions or limitations placed on the establishment at the local level which could include but is not limited to: limiting hours or days they may operate; requiring additional staff on duty during problem hours; restricting activities; etc.

If you are interested in learning more about establishing a Time, Place and Manner ordinance in your area, please contact Sarah Morgan, OLCC, at 503.872.5205 or sarah.morgan@state.or.us for additional information and resources.

OREGON REVISED STATUTE - 471.164

AUTHORITY OF CITIES AND COUNTIES OVER ESTABLISHMENTS THAT OFFER ENTERTAINMENT OR SERVE ALCOHOLIC BEVERAGES

- (1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that offer entertainment or serve alcoholic beverages if the city or county makes specific findings that the establishment would cause adverse effects to occur.
- (2) The authority granted to cities and counties by this section is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.

ANNUAL AND MULTI-YEAR LICENSE TYPES

License Type	License Code	License Fee	A Summary of <u>Primary</u> License Privileges and Requirements
<u>Brewery</u>	BRW & BRWNC	\$500 (annually) And \$2.60 (annually) Alcohol Server Education fee if a BRW	<ul style="list-style-type: none"> • For the applicant who will make malt beverages and then primarily sell it at wholesale, but may also sell it at retail • Sell and distribute malt beverages to wholesale and retail licensees of the OLCC • Import malt beverages into Oregon • Export malt beverages out of Oregon (Oregon has no requirements if you wish to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements) • Sell malt beverages made on the premises to individuals (non-licensees of the OLCC) for consumption on the licensed premises and/or in quantities of not less than four gallons for consumption off the licensed premises • Not eligible to ship or deliver malt beverages directly to individuals (non-licensees of the OLCC) in Oregon (the individuals must take delivery of the malt beverage at the Brewery licensed premises) • May not sell wine or cider • Must obtain a privilege tax bond • Not eligible to obtain any special event license • BRW designates a license that allows tastings or other on-premises consumption of alcohol by patrons • BRWNC designates a licensee that does not allow tastings or other on-premises consumption of alcohol by patrons
<u>Brewery- Public House</u>	BP	\$250 (annually) And \$2.60 (annually) Alcohol Server Education fee	<ul style="list-style-type: none"> • For the applicant who will make malt beverages and then primarily sell it at retail, but may also sell it at wholesale • Distribute malt beverages to wholesalers in Oregon • Can't import malt beverages into Oregon • Export malt beverages out of Oregon (Oregon has no requirements if you wish to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements) • If make 5,000 barrels or less of malt beverages in a year can sell and distribute those malt beverages directly to retail licensees in Oregon • Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off the licensed business • Eligible to ship or deliver malt beverages directly to an Oregon resident • Eligible to apply for a "special event" license: SEBPH • Must obtain a privilege tax bond

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HOME OCCUPATIONS

10.7.055 PURPOSE

Home occupations are activities that are accessory and incidental to the primary residential use of a property. Standards ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The home occupation provisions recognize that many types of jobs can be performed in a home with little or no effects on the surrounding neighborhood.

10.7.060 PROCEDURE

A home occupation is permitted in conjunction with any residential use under the Type I procedure, provided it complies with the standards listed below.

10.7.065 STANDARDS

The home occupation shall not change the residential character of the dwelling and shall meet all of the following standards and limitations:

- A. Any product produced on-site for sale must be hand manufactured or grown using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed horsepower or other measurements of power, which would typically be used by a residential homeowner.
- B. There shall be no outdoor storage of material or products on the premises. Indoor storage of material or products shall not exceed the limitations imposed by the Building, Fire, Health and Housing Codes.
- C. The home occupation shall not generate vehicular traffic measurably in excess of that normally associated with single-family uses.
- D. No more than 20% of the floor area of the dwelling shall be used for the home occupation.
- E. One sign shall be permitted, not exceeding six (6) square feet in area, non-illuminated and professionally prepared.
- F. The home occupation shall not cause the elimination of required off-street parking.
- G. The home occupation shall not cause any external effects such as increased noise, excessive lighting, or excessive odor that is incompatible with the characteristics of the residential zone, or in violation of any applicable government code.
- H. There shall be no more than two (2) outside paid employees.
- I. A business occupancy permit is required for the home occupation.

- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of Section 10.7.100, Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

**TABLE 3-2
Residential Zones: Use Table**

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
RESIDENTIAL						
Household Living	P	P	P	P	P	P
Group Living	L ^[1]					
Transitional Housing	N	N	N	N	C	C
Home Occupation	L ^[2]					
Bed and Breakfast	L ^[3]					
HOUSING TYPES						
Single Units, Detached	P	P	P	P	P	L ^[4]
Single Units, Attached	L ^[5]	L ^[5]	L ^[5]	L ^[5]	P	P
Accessory Units	L ^[6]					
Duplexes	L ^[5]	L ^[5]	L ^[5]	L ^[5]	P	P
Manufactured Homes	L ^[7]					
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units	N	N	N	N	P	P
CIVIC / INSTITUTIONAL						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C ^[8]					
Cultural Institutions	C	C	C	C	C	C
Day Care	L ^[9]					
Emergency Services	C	C	C	C	C	C
Postal Services	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C
Schools	C	C	C	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	N	N	N	C

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.
- [3] Bed & Breakfast Inn limited to three (3) guest rooms in the SR, R-10, R-7, R-5 and RML zones and twenty-seven (27) guest rooms in the RMH zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve RMH land for development of multi-family housing, new detached single-family units (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- [5] For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in Section 10.3.130 E. are adequately addressed.
- [6] Accessory dwelling units are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7.
- [7] Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.
- [8] Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [9] A day care facility (care of up to twelve (12) children) is permitted in all residential zones. A day care institution (care of more than twelve (12) children) requires approval of a conditional use permit in all residential zones.
- [10] A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. Stores must be located along a collector street.
- [11] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses and buildings and the keeping of livestock and poultry (other than ordinary household pets, and domesticated fowl as identified in footnote (11) are not permitted).
- [12] Domesticated fowl are allowed in single-family residences primarily for personal use. Domesticated fowl are allowed subject to these conditions.
 - (a) Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
 - (b) No roosters shall be permitted.
 - (c) Animal waste matter shall not be allowed to accumulate.
 - (d) All animal food shall be stored in metal or other rodent-proof containers.
 - (e) Fencing shall be designed and constructed to confine all animals to the owner's property.
 - (f) All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).
 - (g) All structures that house fowl shall be located at least 5 feet from any side or rear property line.
- [13] Wireless communication facilities are regulated by the standards in Article 7.

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