

**FOREST GROVE CITY COUNCIL REGULAR MEETING
OCTOBER 12, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented October 30, 2015.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:03 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL**

PRESENT: Thomas Johnston, Council President; Richard Kidd; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax.

COUNCIL ABSENT: Victoria Lowe, excused. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Rob Foster, Public Works Director (in the audience); J. F. Schutz, Police Chief (in the audience); and Anna Ruggles, City Recorder.

1. A. AWARD PRESENTATIONS:

Bruce Roll, Clean Water Services Watershed Director, presented the City with a Tree For All Award and showed a video presentation, noting the award is for Forest Grove's participation in the planting of native trees and shrubs in the Tualatin River and its tributaries.

Mayor Truax commended Briana Larios, Forest Grove, who was present in the audience, for receiving a 2015 Governor's Youth Volunteer Award, noting Council will be appointing Larios under Consent Agenda Item 3. D. to serve as a Student Advisor on the Committee for Citizen Involvement.

2. CITIZEN COMMUNICATIONS: None.

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

- A. Approve City Council Work Session (B&C 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.

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- 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).**

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

- 4. **ADDITIONS/DELETIONS:** None.
- 5. **PRESENTATIONS:** None.
- 6. **HEARING FOR THE PURPOSE OF DETERMINING CITY COUNCIL'S RECOMMENDATION OF A NEW LIQUOR LICENSE APPLICATION (BREWERY – PUBLIC HOUSE) FOR KAISER BREWING COMPANY, LLC, 1607 HAWTHORNE STREET (APPLICANT: JONATHAN KAISER)**

Staff Report:

Ruggles presented the above-noted staff report for Council consideration, noting at the September 28, 2015, Council Meeting, Council asked staff to conduct further investigation to determine if zoning was within the defined reasons for the City to submit an unfavorable recommendation to the Oregon Liquor Control Commission (OLCC). Ruggles referenced Attachment 1, a memo from OLCC's investigator who has advised the City that zoning issues do not fall within the statutorily defined reasons that the OLCC can deny a license. Ruggles reported the applicant indicates the reason he has applied for a Brewery – Public House license is that this type of license allows taking his license off-premise, i.e., special events. In addition, Ruggles referenced Attachment 2, Reasons OLCC can Deny or Restrict a License; Attachment 3, Time, Place and Manner pertaining to ORS 471.164; Attachment 4, License Types; and Attachment 5, Development Code pertaining to Home Occupations. In conclusion of the above-noted staff report, Ruggles advised holding the hearing to allow the applicant an opportunity to address Council, noting after the hearing, Council shall make a recommendation to grant, deny or restrict the liquor license application pursuant to ORS 471.133, Oregon

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Liquor Laws, or request an additional 45 days to conduct further investigation if considering an unfavorable recommendation.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Proponents:

Jonathan Kaiser, Kaiser Brewing Company, 1607 Hawthorne St, applicant, testified and gave an overview of his home brewing occupation business plan. In response to various Council concerns and inquiries, Kaiser replied he would request that the OLCC change the hours of operation to 4pm-9pm, instead of 11pm, and reported his business will be by appointment only; he will be pouring one-ounce tastings; he will not allow consumption on-premises; and he will adhere to the City Code regulations regarding noise, parking and traffic.

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Council Discussion:

Thompson indicated if the above-noted business grows rapidly, there is going to be ongoing complaints and problems and product sold on the premises would create noise, traffic and parking issues. In response to Thompson's concerns, Kaiser replied he anticipates a low volume of vehicles a week (about four), noting he has sufficient parking in his driveway for six vehicles. In addition, Thompson stressed the Public Notice posted by the OLCC for the above-noted liquor license was posted on the garage (where the brewery will be located) and was not visible from the street. Thompson further stressed the need for stronger City Code regulations in general for home occupation businesses located in residential zones, especially if the business is generating high volumes of traffic, due to sales and shipments, excessive noise, as well as overflow street parking.

In response to Wenzl's concern pertaining to the type of liquor license,

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Kaiser explained a Brewery – Public House license is the only license that allows taking his license off-premise with a special event permit, noting he plans to grow his business out of his garage and eventually move his business into brick and mortar.

Uhing advised she would take Council's concerns pertaining to City Code regulations for home occupation businesses to the Economic Development Commission for further discussion. Uhing thanked Kaiser for cutting back on his business hours and limiting tastings to one ounce.

Council President Johnston indicated he cannot find valid grounds to deny the above-noted liquor license, noting noise, zoning, parking and traffic are local regulations and do not fall within OLCC's statutorily defined reasons for denying or restricting a license.

Mayor Truax pointed out examples of other home occupations, i.e., New Dimension's Bakery, noting the business started as a home business and growth required the business to transition into a commercial area.

Hearing no further discussion from the Council, Mayor Truax asked for a motion and vote as noted below.

MOTION: Councilor Uhing moved, seconded by Councilor Kidd, to Approve Endorsement of the New Liquor License Application (Brewery – Public House) for Kaiser Brewing Company, LLC, 1607 Hawthorne Street (Applicant: Jonathan Kaiser).

VOICE VOTE: AYES: Councilors Johnston, Kidd, Uhing, Wenzl, and Mayor Truax. NOES: Councilor Thompson. ABSENT: Councilor Lowe. MOTION CARRIED 5-1.

7. COUNCIL COMMUNICATIONS:

Council President Johnston reported attending the Forest Grove Rural Fire Protection District meeting. In addition, Johnston reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Kidd reported Public Arts Commission cancelled its October meeting. In addition, Kidd reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

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Lowe was absent.

Thompson reported attending the Public Safety Open House, noting attendance was excellent. Thompson reported attending Committee for Citizen Involvement/Sustainability Commission's Bike and Pedestrian Plan Public Forum, noting approximately 20 people attended. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on matters of interest and upcoming meetings she was planning to attend.

Wenzl reported attending Committee for Citizen Involvement/Sustainability Commission's Bike and Pedestrian Plan Public Forum, noting approximately 20 people provided feedback on the City's bicycle plan. In addition, Wenzl reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

8. 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 noted the October 26th Council meeting has been moved to Friday, October 30, 2015, at 9:00 a.m., Community Auditorium, noting Nyuzen's Mayor and Town Official will be attending. VanderZanden reported the Light and Power loan for \$3.8 million has been received, noting the loan is a fifteen-year loan with a 2.50 percent fixed interest rate; Times Litho demolition has commenced; and Timmons Group was selected to work on the City's GIS implementation. VanderZanden gave an update on the Oregon Department of Transportation's plans for a roundabout at Purdin and Verboort Roads to help address safety concerns at the intersection. VanderZanden commended Police Department detectives for doing an outstanding job on two arsons in town, which resulted in multiple indictments. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various attended meetings and updates on various City department-related activities, projects, and upcoming city-wide events.

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9. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported he plans to attend the National League of Congressional Cities Conference in Nashville, November 4-7, 2015, as the League of Oregon Cities President. 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.

10. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 8:05 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder