

M I N U T E S

KEIZER CITY COUNCIL

Monday, November 5, 1990

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the regular session to order at 7:33 p.m. Roll call was taken as follows:

Present

Andrew J. Orcutt, Mayor
Phil Bay, Councilor
Yvonne Fischer, Councilor
Mike Hart, Councilor
Bob Newton, Councilor
Bob Pritchard, Councilor

Absent

Joe Van Meter, Councilor (arrived 7:34)

Staff

John Morgan, Community Development Director
Wally Mull, Public Works Director
John Lien, City Attorney
Shannon Johnson (arrived 7:45)
Sue Darby, City Recorder

PUBLIC
TESTIMONY

Libraries

Linda Cochran, Coordinator of the Chemeketa College Regional Library Service (CCRLS), invited interested persons to a November 13 meeting regarding library service in the Willamette Valley.

Councilor Van Meter arrived at 7:34 p.m.

COMMITTEE
REPORTS

There were no Committee Reports to come before the Council.

PUBLIC
HEARING -
KEIZER
RETIREMENT
CENTER
LIQUOR
LICENSE

Mayor Orcutt opened the public hearing to receive testimony on the application of Keizer Retirement Center for a Health Care Facilities liquor license. There being no testimony to come before the Council, Mayor Orcutt closed the public hearing.

Councilor Pritchard moved to recommend approval of the Keizer Retirement Center liquor license to OLCC. Councilor Hart seconded the motion.

Responding to a question from Councilor Newton, Councilor Pritchard stated that it is not unusual for a retirement center to receive a liquor license. He noted that Willamette Lutheran Homes and the Mt. Angel Towers have such licenses. Councilor Newton questioned whether liquor licenses are prohibited within a certain distance from schools. Mayor Orcutt stated that this is one of the considerations that OLCC reviews prior to granting the license.

The motion passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton,
Pritchard, Van Meter (7)

NAYS: None (0)

NOISE
ORDINANCE

Mr. Lien reviewed with the Council the proposed noise ordinance. He noted that at the last Council meeting, the City Council directed staff to draft a general ordinance. That ordinance is before the Council for discussion tonight.

Councilor Pritchard asked about enforcement of the ordinance. Mr. Lien indicated that violation of the ordinance would be considered an infraction and would be handled in a manner similar to a traffic citation in Municipal Court, carrying a bail amount of \$50. If found guilty, the judge could impose a fine from \$0 to \$500.

Councilor Bay noted that the Police Chief expressed some concern about the department's ability to enforce a general ordinance. However, Councilor Bay believed that it would be better to leave the enforcement to the judgment of the responding officer and to attempt to prove the case in court.

Mr. Lien noted that the emergency clause was removed from the ordinance which was contained in the Council packet. This was necessary in order for the Police Department to have sufficient time

to implement the new law. Therefore, if adopted as amended tonight, the ordinance would take effect in 30 days.

Councilor Bay moved for passage of a bill for an ordinance prohibiting noise. Councilor Pritchard seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton,
Pritchard, Van Meter (7)

NAYS: None (0)

STREET VENDORS

Mr. Morgan stated that the proposed ordinance regulating street vendors and peddlers was initiated because of the Iris Festival and the Christmas light show, and is intended to impact those vendors who sell items from the public right-of-way. He noted that, after researching the City's existing ordinances, Chapter 21, Section 3 of the Zoning Ordinance already covers situations where vendors sell their wares from private lots. In fact, with respect to the ceramics vendor currently in town, Mr. Morgan has asked Marion County to direct the vendor to cease and desist his activity under the Zoning Ordinance. With the Zoning Ordinance and the infraction ordinance, many of these types of activities can be covered.

Councilor Pritchard stated that a business licensing procedure may be necessary to make these temporary businesses unattractive to vendors. He cited another example of a temporary peddler on Cherry Avenue. This person is offering tattooing out of some type of a bus. In addition, the City may be able to recover some of the money lost in the approval of Measure 5.

Mr. Morgan stated that there are several solid ordinances on the books to cover these types of situations. However, the City must go back after the fact and require these vendors to stop or change their operations. If a business licensing procedure were adopted, the City would be able to issue a "determination" which would provide prospective vendors with a list of conditions

which must be met. This up front contact with prospective businesses would be beneficial in administering the ordinances.

Responding to a question from Councilor Bay, Mr. Morgan said that under the existing Zoning Ordinance, a temporary business cannot be established on a vacant lot, but may be done as a secondary use where an existing business operates.

Mayor Orcutt asked what would prohibit a business from setting up in a commercial retail zone. Mr. Morgan indicated that many temporary businesses would not meet certain zone code and building code requirements, i.e., paving of the parking lot. The produce stand on River Road, for example, would comply because the parking lot is paved. However, this same business could not establish on a vacant lot. Mr. Morgan indicated that the zone code has not been strictly enforced in the past because of a general lack of awareness of its provisions. In addition, the City acts on complaints rather than seeking out violations.

Councilor Hart expressed concern about temporary sales lots generally used by civic groups, such as the Rotary and the Girl Scouts. Mr. Morgan indicated that the ordinance deals only with "street" vendors, and that Christmas tree lots, for example, would be allowed as a secondary use.

Councilor Pritchard did not believe this ordinance is the answer to what the City is trying to accomplish. He indicated that the issue of business licensing need to be revisited.

Mr. Mull interjected that the Chamber of Commerce requested the ordinance to help deal with vendors during the Christmas light show and the Iris Festival.

George Lyman, General Manager of the Keizer Chapel and member of the Chamber of Commerce, as well as a landlord in Keizer, testified with regard to the need to somehow regulate these temporary vendors. He noted that setting up a temporary business is unfair to local merchants because of the

competition when the temporary merchants do not contribute to the community.

Ted Anagnos, president of the Keizer Chamber of Commerce, indicated that he has received between five and ten complaints from merchants about these temporary businesses along River Road, especially with respect to the display of wares along the sidewalk. In addition, out of town vendors come into the community during the Iris Festival to make a few dollars and then leave as soon as the festival ends. Mr. Anagnos indicated that beat up tricycles and other used wares lining River Road are unsightly. He offered to bring a group of merchants together to work on a draft ordinance and to bring this matter before the Chamber membership at their luncheon meetings.

Councilor Bay noted that he once had a used furniture store located next to his office and he was not appreciative of the furniture displayed on the sidewalk. He questioned whether such an ordinance would be more prohibitive against existing merchants than the temporary peddlers.

Responding to a question from Councilor Bay, Mr. Morgan noted that the City of Salem does not regulate businesses such as the ceramics vendor, however, there does not seem to be a major problem with them in Salem.

Councilor Van Meter indicated there appears to be two problems. One is the regulation of vendors for the Christmas light show and Iris Festival and maintaining the safety and integrity of these events without hampering free enterprise. The other is the issue of temporary vendors.

Mayor Orcutt believed that vigorous enforcement of the zoning ordinance may be the answer. Councilor Bay suggested that, for the sake of timing, the Council could look at an ordinance regulating vendors for the upcoming Christmas season and special events and to look at street vendors later.

Mr. Anagnos believed that the business community

would be willing to pay a minimal business licensing fee in order to control the temporary businesses and to clean up the community.

Councilor Pritchard favored waiting until problems develop with respect to the Christmas season and Iris Festival. Councilor Van Meter disagreed, believing that the City should act now in view of the upcoming holiday season.

Councilor Newton believed that an ordinance of this type should resolve the problem with the tattoo bus. He suggested that perhaps the Chamber could provide better control of temporary vendors than the City could through a business licensing program.

Mayor Orcutt suggested that the City strictly enforce the zoning ordinance with respect to vendors operating in vacant lots and to adopt an ordinance dealing specifically with those operating in the right-of-way, especially with the upcoming holiday season. Council consensus was to follow this avenue.

CONSENT
CALENDAR

The Consent Calendar consisted of the following items:

- October 15, 1990 Regular Session Minutes
- Resolution - Initiating Willow Lake Estates
Street Lighting District - Revision of Fees
for Use of City Hall Facilities
- Statement of Costs, 4751 Lowell Avenue NE

Mayor Orcutt noted an amendment to the minutes, on page 11, to reflect a vote on the main motion. That vote should indicate passage by 5 to 2, with Councilor Van Meter and Mayor Orcutt opposing.

Mr. Morgan asked that the resolution initiating the Willow Lake Street Lighting District be removed from the Consent Calendar.

Councilor Hart asked that the revision of fees for City Hall facilities be removed from the calendar.

Councilor Bay moved for approval of the remainder of the Consent Calendar. Councilor Van Meter seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton,
Pritchard, Van Meter (7)

NAYS: None (0)

Mr. Morgan stated that the subdivision plat for Willow Lake Estates has not yet been recorded. He recommended that the Council adopt the resolution calling for the engineer's report "as soon as possible after the plat is recorded."

Councilor Pritchard moved for approval of a resolution declaring the City's intent to initiate a street lighting district (Willow Lake Estates No. 2) and directing the City Engineer to make a survey and file a written report with the City Recorder as soon as possible after the plat is recorded. Councilor Bay seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton,
Pritchard, Van Meter (7)

NAYS: None (0)

Councilor Hart expressed concern with what appears to be a steep increase in the fees for renting City Hall facilities. Mr. Mull explained that the City, under the current fee structure, is not recovering its costs to pay for janitorial service and that the equipment, chairs, etc. are beginning to break down. There are no funds to replace these items.

Mayor Orcutt and Councilor Bay agreed with the City Manager's recommendation, and did not believe the proposed fee structure is excessive.

Councilor Bay moved for passage of a resolution amending Resolution R86-229 establishing a policy for community use of City Hall facilities. Councilor Fischer seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Bay, Fischer, Pritchard, Van Meter
(5)

NAYS: Hart, Newton (2)

OTHER
BUSINESS

There was no other business to come before the Council.

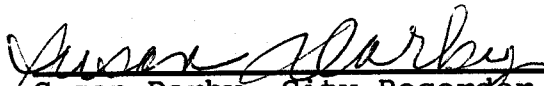
AGENDA INPUT

There was no agenda input from the City Council.

ADJOURN

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,


Susan Darby, City Recorder

APPROVED:


MAYOR