

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JANUARY 21, 2010

MEMBERS PRESENT:

Lon Kellstrom Mayor
Bill Merrill Council President
Jerry Bogart Councilor
Pat Thompson Councilor
Sharlene Weed Councilor

STAFF PRESENT:

Eileen Stein City Manager
Lisa Young Finance Director
Brad Grimm PW Director
Eric Porter Community Devel Director
Pauline Hardie Senior Planner
Julie Pieper Receptionist

GUESTS:

Erin Borla SACC
Jeri Buckmann SACC

ABSENT:

Kathy Nelson City Recorder

The meeting was called to order by Mayor Kellstrom at 8:02 a.m.

1. Transient Vendor Permitting

Erin Borla, Sisters Area Chamber of Commerce (SACC) Executive Director reported on a town hall meeting hosted by the City and Chamber of Commerce in October to discuss problems and concerns related to transient vendors and possible solutions to address those concerns. She distributed a packet of information including a report on the meeting and letters received from individuals that were unable to attend the October meeting. She noted that a majority of those who attended the meeting had a interest in the Sisters Outdoor Quilt Show but stressed whatever changes come about need to be across the board and apply to all events where transient vendor are in attendance.

Mayor Kellstrom asked if there were any solutions to the issues. **Director Borla** stated there are. **Mayor Kellstrom** asked if there was consensus from those attending the meeting on the solutions proposed. **Director Borla** noted that some local businesses don't want transient vendors under any circumstances while other businesses feel allowing them is okay. **Manager Stein** reminded the Council it can outright prohibit transient vendors; but it cannot allow a local group such as the Girl Scouts or the high school track to team sell a product and then prohibit a corporate entity which would violate the interstate commerce clause of the US Constitution. She added the City has traditionally waived the fee for non-profit organizations, regardless of whether they are 'local' or not.

Director Borla stated one of the most important requirements is to have transient vendors apply for their permits well in advance of the events, with ten days being the recommended time frame. She cited the example of the Quilt Show where it allows the organizers to design a plan for where quilts will be hung in advance without running the risk of a problem the morning of the show where a transient vendor has suddenly set up in front of where a quilt is to be displayed.

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Councilor Weed asked for some clarification on the use of private property versus public property by transient vendors. **Manager Stein** explained that transient vendors are required to set up on private property and must submit documentation of the property owner's permission to do so. She added a problem which occurred last summer was transient vendors locating in the public right of way, and in businesses themselves roping off the public right of way for their own use.

Councilor Thompson stated blocking off private parking lots to set up vendors also impacts everyone. **Finance Director Lisa Young** stated that when a transient vendor permit is received by the City it undergoes Planning Department review to determine how many parking spaces are required to be left open. She stated that requirement is already in place but at last year's Quilt Show there were no means to enforce the requirement.

Councilor Merrill stated businesses also have a responsibility to ensure a transient vendor has obtained a permit from the City. He noted there are a lot of individuals and entities that put on events. **Director Borla** stated part of the education program is the distinction between special events and transient vendor permits. **Councilor Merrill** suggested the Quilt Show use a special event approach and delegate transient vendors to one area. **Director Borla** stated it is her understanding the Quilt Show is concerned that this scenario would bring in more transient vendors and is compounded by the fact the Quilt Show organization does not have the capacity to manage the vendors. She stated since the Quilt Show can't regulate what occurs on private property there is also the possibility that vendors would still set up on private property regardless of whether it is a special event or not. **Manager Stein** explained that the City can't prohibit transient vendors to a specific event such as Quilt Show only; the prohibition needs to apply to any and all events.

Councilor Weed asked whether this meant even if the Quilt Show was a special event, there would be no way to prohibit transient vendors locating on private property. **Manager Stein** stated that was correct, unless the City were to prohibit transient vendors completely. **Councilor Weed** suggested having a separate group or individual run the vendor area and **Mayor Kellstrom** stated that still did not address the problem of transient vendors setting up on private property. **Manager Stein** explained the purpose of the permit is to give the City the ability to track down a vendor if necessary if a problem arises, even after the event.

Councilor Merrill stated that 'no solution' is not acceptable and **Mayor Kellstrom** stated the topic of transient vendors has been an issue for many years. He stated there will always be businesses that don't want transient vendors and those that allow transient vendors on their own property. **Director Borla** proposed it would be a good idea to implement a few of the suggestions this year and reassess how those changes worked later in the year. She suggested as a first step, requiring a transient vendor to obtain a permit at least ten days in advance of an event. She stated creating a master opt-out list to would also allow business owners to sign up once a year to affirm that they would not want a transient vendor to set on any business or property they own. She stated it would save staff time for the City as well as making a statement to other businesses.

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Councilor Merrill asked whether the Chamber has a relationship with any of the members of the Sisters Village Association. **Director Borla** reported there is crossover as several people are involved in both organizations.

Mayor Kellstrom suggested the Council discuss each of the recommended solutions proposed by the Chamber.

1. Require ten day advance approval of any transient vendor permits.

Director Young stated the City has already begun requiring that lead time and sent letters to previous year's vendors advising them of the change last year. **Mayor Kellstrom** suggested continuing to send the letters for a few years to continue the education process.

2. Increase the transient merchant permit fee to cover the cost of additional enforcement personnel and contribute to the hosting event.

Mayor Kellstrom stated this approach was tried a number of years ago when a reserve officer and a staff member toured the Quilt Show to ensure that vendors all had permits. In the cases where the vendor did not, they were required to purchase a permit on the spot. **Director Borla** reiterated that merchants were adamant about not issuing 'day of the event' permits. **Mayor Kellstrom** stated if that is the case the deputy would be forcing a vendor to leave which could present an ugly scene. **Councilor Merrill** stated this gets back to the need for the owner of the property to be responsible also. **Public Works Director Brad Grimm** stated there needs to be a disincentive to not getting a permit in advance, such as doubling the cost of the permit. **Councilor Merrill** stated the amount should not be arbitrary and the City needs to be able to justify any additional cost.

Manager Stein provided a slide show of last year's Quilt Show highlighting vendors and merchants in the public right of way, permitting and some without permits on display, vendor malls set up in parking lots and on lawn areas, blocked alleys, vendors set up in front of quilts and a variety of other settings. She noted how difficult it would be to interrupt activity and remove a vendor as the pictures showed there were large crowds everywhere. She stated that merchants can sell wares outside of their store but the payment needs to be collected inside the shop or a transient vendor permit is required for store owners also. She stated that previous attempts to funnel food vendors into Village Green Park had been unsuccessful.

Councilor Merrill stated the permit fee should be the actual cost to the City based on staff time and as such he was not in favor of raising the fee. He stated merchants benefit from the Quilt Show and need to understand their responsibility. He thought a review of the Sheriff's contract might indicate the Sheriff's Department will provide deputies for special events. **Councilor Weed** agreed the permit fee should not be raised.

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Councilor Thompson stated he felt an additional enforcement fee should be charged if deputies are in attendance providing enforcement. He stressed the importance of having the property owner, not the business owner give permission for the transient vendor, as the two are not necessarily the same person. He agreed the penalty for not obtaining a permit in advance should be significant. **Manager Stein** stated since a deputy would not be writing up actual permits, it would require a staff member to accompany the deputy and that would raise the actual cost of the permit to offset the cost of the additional staff person.

Mayor Kellstrom stated there is no mechanism in the Municipal Code for a deputy to fine or arrest an unpermitted transient vendor and the situation only gets more complicated. **Councilor Thompson** stated educating merchants is an important part of solving the problems relating to transient vendors.

Director Young stated staff is re-evaluating the actual time staff spends on issuing the permits to make certain the cost is relevant. She stated staff suggests not only a penalty for permit requests that come in after the ten day cut off period but also penalizing the property owner if the vendor does not secure a permit for an event.

Mayor Kellstrom instructed staff to research the cost of having a reserve officer and staff member patrolling on the day of an event. He further directed staff to have this team patrol at the next Quilt Show to determine how many transient vendors actually have not obtained a permit. He stated if it is just a few vendors it is likely not worth the cost for on-going years. **Councilor Weed** questioned whose responsibility it is to pay for the extra enforcement. **Director Borla** stated the Quilt Show already hires five reserve officers for the show and since the Quilt Show is not in favor of transient vendors, it is unlikely they would want to pay for another officer to patrol the vendors. **Mayor Kellstrom** stated the City could cover the cost for one year and evaluate the situation. **Jeri Buckman, Sisters Area Chamber of Commerce Events Director** stated the Chamber plans on having members patrol the Quilt Show this year in order to get a count of unpermitted transient vendors and volunteered to share this information with the Council. She stated this would alleviate the need for the City to hire a reserve officer. **Mayor Kellstrom** thanked her for volunteering to perform the task. **Manager Stein** reiterated that in 2010, the City and Chamber would only be surveying the situation at the Quilt Show and not providing enforcement. The **Council** concurred and agreed to leave the transient vendor permit fee unchanged at this time.

Director Borla excused herself from the workshop, citing another meeting she needed to attend, and distributed eco-tourism maps to the Council.

3. Require all special event permits that include a street closure go to the Council for approval.

Mayor Kellstrom stated he felt it is unnecessary for the Council to approve all special events that close roads and the City should continue to let staff handle the requests. **Councilor Weed** stated

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she felt that business owners should have an opportunity to speak about street closures if it affects their business. **Manager Stein** stated the rule staff follows is no special events that include street closure without Council approval between Memorial Day and Labor Day, or if the event is being held for the first time and is asking to close a street. **Councilor Merrill** stated he felt that was an appropriate method and staff could always bring an event to the Council's attention if they anticipated there could be a problem.

Councilor Weed stated she felt the City should be sensitive to affected business owners and require the individual or organization putting on the event to contact all of those merchants. **Manager Stein** stated contacting affected business owners is already a requirement the City imposes. **Director Grimm** stated the only complaints he has received have been from merchants on adjacent streets who are selling like items to those sold at the special event. He added that Public Works staff always checks to make certain that traffic control devices for the street closures are set up correctly as a courtesy since the organization putting on the event would be liable in case of an accident.

The **Council** agreed to leave approval for special events that require a street closure set up the way it is at present.

4. The Chamber with the City should continue to educate land and business owners about transient vendor permitting process and enforcement.

The **Council** agreed continuing education of merchants and land owners is a good idea. **Councilor Weed** suggested the City create a hand out for educational purposes and **Director Young** stated the City has already created one as well as having that information on the City's website. She stated staff also suggested to the Chamber the idea of adding information to commercial utility bills as a way to connect with those businesses that might not be Chamber members.

5. The City should create a master opt-out option list for those land owners that do not want transient merchants on their property to ease the approval process at City Hall.

The **Council** agreed to this provision.

6. The City should demonstrate enforcement of transient merchant permits during the permitting process to ensure all requirements are met.

The Chamber of Commerce indicated on its handout that the issue had been rectified.

7. The Sheriff's Department should demonstrate enforcement of non-approved transient merchants at special events.

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Mayor Kellstrom reiterated that Chamber members have volunteered to do an informal investigation at the 2010 Quilt Show to determine if unlicensed vendors are a problem. After sharing this information with the City, the City will be able to determine if further action is necessary.

Councilor Merrill recommended establishing a few malls for transient merchants on empty lots throughout the city to eliminate a lot of the problems. There was extended conversation regarding the legality of limiting transient merchants to specific areas and how that could only be controlled on City property and not on private property. **Manager Stein** reiterated that the only way to keep transient merchants off private property is to outright ban all transient vendors.

There was continued conversation on how the Quilt Show could become a special event that sets a boundary at both ends of town and regulates where it allowed transient vendors to set up in the public right of way. It would require the Quilt Show to purchase liability insurance for the event. It was discussed that transient vendors on private property could still not be prohibited. **Mayor Kellstrom** stated that although the Quilt Show has indicated in the past that it is not interested in having the Quilt Show be a special event, it should be confirmed that is still the case.

2. Development Code Update

Senior Planner Pauline Hardie distributed Development Code update material to the Council. **Mayor Kellstrom** explained that the materials included a summary of changes which entailed recommended changes, corrections, additions and deletions by Planning Department staff, the Development Code Update Technical Advisory Committee (TAC) and Planning Commission. He stated receiving the material in advance will allow the Council to move more quickly when the review process begins the end of February.

2. Preview 01/28/10 Workshop and Regular Meeting

Manager Stein provided an overview of the upcoming workshop and regular meeting for January 28th. She stated that Deb Price from Oregon Housing and Community Services would attend the workshop to answer any lingering questions or concerns by the Council with regard to the recommended Housing Plan.

On review of the regular meeting the **Council** requested that time is allotted in the workshop for discussion on the supplemental budget prior to considering a vote at the regular meeting on the matter. **Manager Stein** indicated it would be added.

3. City Manager Update

Manager Stein distributed the packets for the City Council's strategic planning session for FY '10-11 scheduled for January 30th and provided an overview of the information included.

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Manager Stein reminded the Council of the Economic Development of Central Oregon (EDCO) economic forecast luncheon taking place the next day.

Manager Stein informed the Council the City was informed it will receive a \$290,000 *Safe Routes to School* grant, the largest grant the City has received thus far. **Director Grimm** explained that a *Safe Routes to School* project team was assembled to identify which projects should be included in the application. **Councilor Thompson** asked if the projects will be put out to bid. **Director Grimm** stated they will, but most projects will still require some Public Works staff time. **Councilor Thompson** stated he felt the Council need to review and consider raising the limits on what can go out for informal quotes versus a formal bid process.

Manager Stein reported the Timber Creek Bridge was open but has not been accepted as a public improvement yet.

Councilor Merrill asked whether the City had signed a letter supporting the proposed Three Sisters Scenic Bikeway application. **Manager Stein** replied that the City has been asked to provide a letter of support but the letter was not required as a part of the application.

Director Porter informed the Council that Measure 56 notices were mailed to residents in Sisters as required by the State for the Development Code update. He stated the mailing was in response to the regulation that a notice be sent if some uses of the property may be more restrictive than they currently are. He stated a Town Hall meeting had been scheduled to provide time to educate residents and answer questions they might have.

Councilor Thompson informed the Council he might not be in attendance at the February 4th workshop and **Manager Stein** stated she would not be in attendance. **Manager Stein** stated that since nothing was scheduled for the agenda on that date so far it would be determined at a later time if the workshop would be held.

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Lon Kellstrom, Mayor