

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE.
AUGUST 23, 2007

MEMBER PRESENT:

Brad Boyd Mayor
Bill Merrill Council President
Lon Kellstrom Councilor
Shawna Bell Councilor

ABSENT:

Sharlene Weed Councilor

STAFF PRESENT:

Eileen Stein City Manager
Lisa Young Finance Director
Steve Bryant City Attorney
Brad Grimm Public Works Director
Laura Lehman Assistant Planner
Kathy Nelson City Recorder

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Boyd at 7:04 p.m.

II. VISITOR COMMUNICATIONS

Curt Kallberg, 69981 Camp Polk Road, Sisters, OR 97759

Mr. Kallberg stated he was coming before the Council because he had heard that Linda Feist and Gary Frazee are leaving their jobs with the City. He stated he was concerned by the number of employees that have left the City's employment recently. He noted what hard workers both Linda and Gary are and stated it would be difficult to replace them.

Mayor Boyd stated that the City is very grateful for the number of years of service given by its employees and that people leave for a variety of reasons such as retirement, as in the case of Ms. Feist, to better their own lives and for personal reasons. He thanked Mr. Kallberg for his concern.

III. CONSENT AGENDA

A. Minutes

1. August 9, 2007 – Workshop
2. August 9, 2007 – Regular Meeting
3. August 16, 2007 - Special Regular Meeting

B. Bills to Approve

1. August Accounts Payables

Councilor Kellstrom moved to accept the consent agenda. Councilor Merrill seconded the motion.

Councilor Bell asked for clarification on the invoice to HGE Architects for \$18,174.81. **Manager Stein** stated that was for design cost for the East Cascade realignment project

The motion carried unanimously.

IV. STAFF REPORTS

A. Brad Grimm, Public Works Director – *(Report Attached)*

Public Works Director Grimm asked if there were any questions regarding his staff report. There were none.

B. Susanna Julber, Interim Planning Director – *(Report Attached)*

Manager Stein stated that Interim Planning Director Susanna Julber was not present at the meeting but that she or Assistant Planner Laura Lehman could answer questions for the Council. There were no questions.

V. COUNCIL BUSINESS

A. **Public Hearing and Consideration of Ordinance No. 372:** AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO THE CITY OF SISTERS COMPREHENSIVE PLAN (FLOOD PLAIN DISTRICT), AND DECLARING AN EMERGENCY– *L. Lehman*

B. **Public Hearing and Consideration of Ordinance No. 373:** AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO THE CITY OF SISTERS DEVELOPMENT CODE (FLOOD PLAIN DISTRICT), AND DECLARING AN EMERGENCY– *L. Lehman*

Mayor Boyd opened the public hearing for Ordinance No. 372 and Ordinance No. 373 and asked if there was anyone present who wished to speak. As there were none he closed the public hearing.

Assistant Planner Lehman provided a summary of Ordinance No. 372 and Ordinance No. 373 and the changes they made to the City's Development Code and Comprehensive Plan. She informed the Council that the changes were to bring the City's Development Code and Comprehensive Plan policies into compliance with the requirements of FEMA's National Flood Insurance Program (NFIP), a requirement to allow Sisters residents to obtain flood

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insurance at a reasonable cost. She stated the necessary changes must be adopted by September 28, 2007 to comply with federal requirements.

Planner Lehman stated the changes will provide clear review process guidelines and offer flexibility. She added that the changes will also update materials to reflect the name change of Squaw Creek to Whychus Creek that occurred in 2005. She stated that a majority of the language changes and additions were required or mandated by FEMA. She asked if the Council had any questions regarding the ordinances and supporting documentation.

Councilor Kellstrom asked why the development proposal process had changed from a Level I to a Level II procedure. **Planner Lehman** stated this insures that neighboring properties are allowed input with regard to proposed development that is near the flood plain.

***Councilor Kellstrom** moved for the first and second reading by title only of Ordinance No. 372. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

City Attorney Bryant read Ordinance No. 372 by title only twice.

***Councilor Kellstrom** moved approval of Ordinance No. 372 adopting changes to the City of Sisters Comprehensive Plan (Flood Plain District) and declaring an emergency. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

***Councilor Kellstrom** moved for the first and second reading by title only of Ordinance No. 373. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

City Attorney Bryant read Ordinance No. 373 by title only twice.

***Councilor Kellstrom** moved approval of Ordinance No. 373 adopting changes to the City of Sisters Development Code (Flood Plain District) and declaring an emergency. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

C. Discussion and Consideration of Resolution No. 2007-18: A RESOLUTION AUTHORIZING A FEE SCHEDULE FOR THE 2007 RESIDENTIAL BACKFLOW TEST – B. Grimm

Public Works Director Brad Grimm stated that the resolution is a follow up to Ordinance No. 364 to set the cost for the annual backflow test for Sisters residents at \$14.70 per residential backflow and an additional \$25.00 for backflow devices that required repair and retesting.

Councilor Kellstrom asked what the actual contract price per unit was. **Director Grimm** stated that the contracted price was \$12.50 per device and \$25.00 per repair and retest. He stated the City added on \$2.20 for administrative costs. **Councilor Kellstrom** asked how many units required repair. **Director Grimm** stated there were 24 backflow devices that had needed repair. **Mayor Boyd** asked how the cost for the backflow testing would be noted on city services bills. **Manager Stein** stated that a special insert will accompany city services invoices. **Finance Director Young** stated that there is capability to indicate on the city services invoices a line item for backflow testing and a separate line item for backflow repair and retesting.

***Councilor Kellstrom** moved to adopt Resolution No. 2007-18 authorizing a fee schedule for the 2007 residential backflow test. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

D. Discussion and Consideration of a Motion to Accept Public Improvements for Cottage Grove Subdivision – B. Grimm

Director Grimm stated the public improvements for the Cottage Grove subdivision were ready for acceptance by the City. He stated the City had received bonds for the required street trees and sidewalks and recommended acceptance by the Council.

***Councilor Kellstrom** moved to accept public improvements for Cottage Grove subdivision. **Councilor Merrill** seconded the motion.*

Councilor Bell asked for clarification on the easements and public works requirements that did not show approval but instead stated the items were not submitted. **Mayor Boyd** stated the items will be submitted with the final plat. **City Attorney Bryant** explained that the City can accept a deed of dedication prior to the final plat or can accept all the required easements and right of way dedications on the final plat which requires the Mayor's signature. **Manager Stein** explained that when the City accepts public improvements it is taking responsibility for perpetual maintenance of that infrastructure after the one year warranty period expires.

The motion carried unanimously.

VI. OTHER BUSINESS

Manager Stein informed the Council that the interviews for Director of Planning and Community Development had taken place with a preferred candidate for the position

selected. She stated she was following up with reference checks and hoped to make an offer for the position soon.

VII. MAYOR/COUNCILOR COMMENT

Councilor Bell informed the Council that a decision has been made to keep the Sisters Mobile Home Park open with no changes for the next two to three years.

Councilor Merrill suggested the City align itself with the person to be hired by Deschutes County to oversee compliance with regard to the reintroduction of steelhead into Whychus Creek and Crooked River. **Manager Stein** stated she agreed it will be beneficial to work with the County representative in those efforts, but informed the Council that the City has not had to participate financially with the County for these staff members, such as the County Forester. She added that the Flood Plain District ordinances just adopted are part of the process of protecting steelhead habitat.

Mayor Boyd requested clarification for the Council from City Attorney Bryant regarding the legal process of annexation and the development of any annexed land. **City Attorney Bryant** explained that annexation is at the Council's discretion but that once a property is annexed the owners of the property are entitled to make development applications according to the City's codes. He stated that if the property owner feels the City's code has an exaction that the property owner feels exceeds the State code they can challenge the requirement. He stated he recommends the City setting development conditions at the annexation stage as they are not exactions and not subject to exaction. He stated that if the City wants to insure it gets a particular condition met, it should become one of the requirements for the annexation to take place as there is no cost or risk for the City. He stated that after annexation occurs planning staff needs to look at the total effect of exactions and determine if the City is within the limits prescribed by law.

Councilor Merrill asked that if property, such as McKenzie Meadows Village, has received voter approval to be annexed what the significance is. **City Attorney Bryant** stated the City has a Charter provision that requires an additional first step of citizen approval before the Council can make any decision regarding annexation of the property. **Councilor Merrill** stated that if a conflict exists between the Comprehensive Plan and the Development Code he has always been under the impression that the Comprehensive Plan is the controlling document. **City Attorney Bryant** stated that might not be enforceable as the City can only apply objective criteria. He stated it becomes a challenge as even if the criteria is objective it must still bear reasonable impact to the development at that time. **Manager Stein** stated that a historical piece on annexation is that having residents of a City vote on annexation came about as a grass roots movement to insure that city residents had a say prior to more land coming into a city and thus diluting city services.

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Mayor Boyd stated that it appeared the time to get conditions met is in the annexation process and City Attorney Bryant concurred. **City Attorney Bryant** stated that a vote by citizens to approve annexation of any property is not an automatic annexation. **Manager Stein** stated that for this reason when McKenzie Meadow Village was brought before the Council in 2006 she recommended it not be put to a vote by the residents of Sisters if the council did not intend to annex the land right away. **Councilor Merrill** stated what is right, what is legal and what is ethical are not always in agreement and that property owners should not be misled. **City Attorney Bryant** stated that it was made clear to the McKenzie Meadow Village property owners at the time that there were two hurdles to pass prior to annexation, with approval required by the voters and by the City Council. **Manager Stein** stated changes in the membership of City Council are inherent risk for property owners with regard to annexations. **Mayor Boyd** stated he feels the Council cannot make a decision regarding McKenzie Meadows Village or any other annexations brought before the Council without an annexation agreement prior to approval.

Manager Stein asked if the Council had any questions regarding Interim Planning Director Julber's memo on Light Detection and Ranging (LiDAR) and its capabilities. They did not.

VIII. ADJOURN –8:04 p.m.

Respectfully Submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor