

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

MEMBERS PRESENT:

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

GUESTS:

Larry Blanton Deschutes Cty. Sheriff
Tim Schimke Deschutes County Solid Waste Director

STAFF PRESENT:

Eileen Stein City Manager
Lisa Young Finance Director
Brad Grimm Public Works Director
Susanna Julber Interim Planning Dir.

ABSENT:

Kathy Nelson City Recorder

The meeting was called to order at 8:00 a.m. by Mayor Boyd.

1. Forest Service Property Overlay/Comprehensive Plan Language

Interim Planning Director Susanna Julber provided an overview of the memorandum (copy attached) she wrote regarding the Forest Service Comprehensive Plan and Development Code draft language. She stated it would provide the context of the visioning workshop on October 6th and 7th. She stated that drafting an overlay district is a starting point for the language to be adopted into the Development Code and Comprehensive Plan that will come from the standards and plans discussed at the workshop.

Mayor Boyd stated he is not expecting a plan to come from the workshop but rather broad based conditions that will need to be met in a Master Plan. He stated he thought the City will require the developer of the property to submit a Master Plan with their request to rezone the property as this will provide the City some leverage.

Councilor Weed stated she felt the City will want to be specific so that a Master Plan, when submitted, will include the specifics. **Mayor Boyd** disagreed stating that he does not expect a “plan” to come from the visioning workshop. He stated he only expects broad brush concepts for the property.

Councilor Merrill stated he feels any discussion on specifics is premature as the workshop is to get community members input. He stated he has told people to think about what they want to see as an entrance to the City and to come and express their views. He stated the City will need to consider keeping the property zoned public facilities; if there will be a Main Street extension through the property, another grocery store, amphitheater, senior center, community center or possibly a parking lot. He stated that once the City gets the input from the community it can move forward. He stated the Council will also need to consider the Comprehensive Plan and existing

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

land inventory when determining how to implement a plan. He stated it is also his understanding that Jeff Goebel, facilitator for the workshop, will interview community leaders to get their input prior to the event. **Councilor Merrill** added he does not want to prejudice people; he wants them to show up.

Councilor Bell confirmed that the draft language Interim Director Julber suggested was not intended for adoption prior to the workshop. **Interim Director Julber** stated it was not, and that what comes out of the visioning workshop can fill in the criteria for approval of the Master Plan.

Councilor Weed asked to be provided with the land inventory per category prior to the workshop and **Interim Director Julber** stated she would provide that information. **Councilor Weed** stated she would also like to know what the State requires versus what the City has per land use category. **Interim Director Julber** stated she has prepared a tally and there are over 700 platted units for housing. **Councilor Merrill** added that the City is short in multi-family housing units. **Interim Director Julber** asked if the Council required any additional information for the visioning workshop or had additional comments on the Development Code or Comprehensive Plan language discussed in her memorandum.

Councilor Weed asked for clarification regarding an overlay zone versus a master plan. **Interim Director Julber** stated that there are two ways to achieve a special zoning district; 1) an overlay and 2) create a special Forest Service District. She stated that an overlay can be laid on top of existing land uses while a special district will take more effort to create. She stated in order to protect the City, she recommends adopting a vision statement for the property. She stated a Master Plan would need to achieve the objectives in the overlay zone. She stated a zoning change will be dependent on the approved property land uses and overlay zone. She added a developer will have to meet objectives of the overlay district and a Master Plan will show how the developer plans to do so.

Mayor Boyd stated that Mr. Goebel should be asking what people want to see on the property as well as what they don't want to see. **Interim Director Julber** stated that she feels the workshop will provide a list of priorities that will allow the Council to move forward.

2. Deschutes Basin Habitat Conservation Plan Initiative

Manager Stein stated her memorandum was intended to provide additional information to the Council on the Deschutes Basin Habitat Conservation Plan as it relates to the reintroduction of steelhead into the Whychus Creek this year and into the Crooked River next year. She stated the Central Oregon Steelhead Reintroduction Coordinating Council has proposed a three step response strategy; 1) issuance of an immediate hold harmless request, 2) process to enact the 10(j) rule (under the Endangered Species Act) and 3) creation of a Habitat Conservation Plan (HCP). She added that this response strategy has already been negotiated between the Central Oregon irrigation districts and National Oceanic and Atmospheric Administration (NOAA) Fisheries

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

Service. The cost proposal to participate as a “permittee”, the term for jurisdictions whose nexus to a river or stream and activities associated with that nexus will have the likelihood of requiring an incidental take permit, will be approximately \$5,000 a year for five years. She added that at the recent Central Oregon Cities Organization (COCO) meeting a proposal by the City of Bend to launch a separate effort to develop a risk assessment for COCO members was made. She stated that additional information will be brought back to COCO members at a future date. She stated that the impacted cities such as Sisters or Prineville will potentially need to decide whether to participate in one or both assessments.

Councilor Merrill stated that the City’s three bridges create the potential for a takings claim and feels that the prudent approach for the City is to join as a permittee in order to provide the best protection for the City. **Mayor Boyd** stated he is not concerned with the \$5,000 annual fee but he is concerned with the pro-rata contributions for the cost of science and other related expenses related to the HCP management, as that amount is not stated. **Councilor Merrill** stated he does not feel the amount will be significant and could be the least expensive aspect of mitigation. **Councilor Bell** stated she agrees with the \$5,000 yearly charge to become a permittee, but like Mayor Boyd is uncomfortable with the open-ended pro-rata charges and asked if there is an estimate of what those charges will be. **Councilor Merrill** stated it is simply too early to determine what the pro-rata costs might be.

Manager Stein stated that a lot of the work has already been done by other jurisdictions in the Willamette Valley. She stated that best practices have already been identified and the City can meet with some of the jurisdictions to discuss practices they have adopted that are acceptable to the NOAA. She added that the Storm Water Management Manual and the City’s recently adopted Flood Plan work will all become part of the plan.

Councilor Bell stated she would be more comfortable if there is a cap in place that cities can agree to in advance and that if the need arises to go over that cap, the Reintroduction Council would need to come back to the participating cities for approval. **Manager Stein** stated that request can be carried back to the Reintroduction Council for consideration. **Councilor Kellstrom** stated that mitigation on Whychus Creek could be very expensive and **Mayor Boyd** countered with the fact that federal law requires the mitigation. **Councilor Kellstrom** stated that he is afraid the cost could be more than anyone can comprehend.

Manager Stein stated that in a year the City will know a lot more and can then decide to continue membership on a year to year basis. **Councilor Merrill** stated the problem with backing out of the Reintroduction Council is the City does not have the time or expertise to continue the study needed. **Mayor Boyd** stated that he has no problem joining the Reintroduction Council but would like to know the formula the pro-rata amount will be based on, such as population.

Manager Stein requested that Public Works Director Brad Grimm see if he could get the answer to the question of how the City determines if it is a permittee at the September 24th meeting he will

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

attend on the issue. She stated that since the City is extracting water from Whychus Creek at the Uncle John Ditch, the assumption is the City will be a permittee. She stated that as the City converts to effluent irrigation it will be lowering its risk over time relative to the Lazy Z property. She stated that ultimately the City will need to place a fish screen on Uncle John Ditch if it continues to use this diversion point on Whychus Creek.

3. Recycling Center Intergovernmental Agreement

Director Grimm directed the Council to the draft Intergovernmental Agreement (copy attached) with Deschutes County for the City recycling facility. He discussed the costs that will be the responsibility of the County, hours of manned operation and the problems associated with hazardous materials dropped off when the facility is unmanned.

4. Preview September 27, 2007 Regular Meeting Agenda

Manager Stein stated that because of the League of Oregon Cities (LOC) Conference no meeting had been planned. She stated that checks to pay invoices need to be run but those could be approved at the next regular meeting. She stated the only activity on Thursday evening at the conference was a reception and so the Council could have a meeting if desired. **Councilor Kellstrom** stated that since there was no other business before the Council he could see no reason to hold a meeting. The **Council** concurred.

5. City Manager Update

a. Sheriff's Contract/Code Enforcement

Manager Stein welcomed Deschutes County Sheriff Larry Blanton and stated that his visit was very timely. She stated that the issue of enforcement of City ordinances had been brought up by the Council. She stated that the current contract between the City and Deschutes County Sheriff's Department provides for a minimum of 120 hours of coverage a week with the stipulation that that time will also include some code enforcement activity. She added that the current contract expires in June 2008 and the Council needs to be considering two issues; 1) whether to renew the contract and 2) if so, are there any provisions of the contract that need to be reassessed such as if the 120 hour a week minimum is sufficient or if the contract needs to be more specific for some areas of concern.

Sheriff Blanton stated that the Deschutes County Sheriff's Department is happy to provide service to the City. He stated it is his understanding that the City Attorney is rewriting and updating the City ordinances to code.

Councilor Merrill stated that he feels there is need for oversight of the contract the City has with the Sheriff's department and asked what the City receives for \$32,000 month. He stated the

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

question he has is how much time of the crime report is covered under the County versus how much is covered under the City. He also cited the example of various “for sale” signs around town and asked why Public Works staff or the Sheriff deputies don’t remove them as it is his understanding they are illegal.

Sheriff Blanton stated that the contract calls for the Sheriff’s report to the City to include the areas outside City limits. He stated that if there is a sign on a stop sign or in the right of way it is unlawful, but that to cite and convict the responsible individual is another issue. He stated that City staff or Sheriff deputies can remove the offending signs. He stated that his understanding is that some City ordinances are out of date and not enforceable and there is an effort afoot to rewrite them. He stated that if the Sheriff’s department is called regarding any code enforcement they will come but that 99% of code issues are voluntary compliance. He stated he would suggest deputizing City staff to write and cite violations as money better spent for the City. He stated that in the case of an individual being uncooperative a uniformed officer will always be available. He stated that for the amount charged he feels the City receives very good service.

Manager Stein informed Sheriff Blanton of the part-time Law Enforcement Coordinator/Code Enforcement position that is slated for FY07-08 and stated that perhaps it is time for the Council to consider recruiting for the position.

Councilor Merrill asked how the Sheriff’s department provides enforcement of City ordinances. **Sheriff Blanton** answered that if the department gets a call regarding a violation they will respond. **Councilor Merrill** asked if the City needs to call or if the Sheriff’s department takes the initiative. **Sheriff Blanton** stated that deputies are not going to drive around looking for code violations. **Councilor Merrill** stated there is much more to the issue than that and if a deputy is driving around and sees a violation of a City ordinance, such as an abandoned car, he feels they should take the initiative to remove it. **Sheriff Blanton** stated that if the vehicle is not a hazard, a safety issue, parked in the right of way or abandoned deputies will not stop and ticket the vehicle.

Manager Stein stated that Public Works and Planning staff have too much workload to also add code enforcement to their jobs and stated that is why she sees the need to consider a Law Enforcement Coordinator/Code Enforcement position at this time.

Councilor Kellstrom asked what number should be called for animals on the loose. **Sheriff Blanton** stated the number is 693-6933, option #5.

Mayor Boyd thanked Sheriff Blanton for stopping by the meeting.

b. Recycling Center Intergovernmental Agreement

Manager Stein introduced Deschutes County Solid Waste Director Tim Schimke, and asked that he provide an update on the recycling center. **Director Schimke** stated that the proposed hours of

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

manned operation are Thursday through Monday from 9:00 a.m. to 6:00 p.m. He stated the center will be unmanned on Tuesdays and will be manned by an on-call employee part-time on Wednesdays. He stated he is hoping that the results shown when the center is manned will justify having the center manned seven days a week.

3. Sisters Area Fuels Reduction (SAFR) Public Comment Period

Mayor Boyd directed the Council to the draft letter (copy attached) in response to the Sisters Area Fuels Reduction project stating there were three alternatives described in the document received from the Sisters Ranger District. He asked the Council for input. **Councilor Merrill** stated that he feels the Council should take a position and support the preferred alternative of the Forest Service by removing 21” diameter trees. He stated the staff work has been performed by the Forest Service and the Council should take the advice of the experts. **Mayor Boyd** stated he did not agree and stated he feels that the work should begin as soon as possible regardless of tree diameter. He stated he feared that lawsuits could be filed regarding the larger tree diameters and delay the work another five years. He stated the areas immediately adjacent to the city are a particular concern and advocates the work begin immediately.

Councilor Weed stated there was a lot she does not understand regarding the issue and stated as such it is hard to make an informed decision. **Councilor Merrill** stated that is why the Council should support the preferred alternative of the Forest Service.

Manager Stein stated that Sisters District Ranger Bill Anthony is looking for the flexibility to use the Northwest Forest Plan as a guide for fuel reduction. **Mayor Boyd** stated that the concern many environmental groups have is whether the Forest Service is performing fuel reduction or just having a timber sale under a different guise. **Manager Stein** stated that the work will be performed under the *Healthy Forest Restoration Act* that allows for a simplified process and environmental assessment. She stated the expedited process is a significant topic of debate. **Councilor Kellstrom** stated that whether it is a timber sale or fuels reduction, the work needs to move forward quickly to protect the City from future fires. **Manager Stein** stated that whether the trees are 12” or 21” in diameter, hopefully a compromise can be found between the Forest Service and environmental groups to allow the project to move forward.

Councilor Bell stated that the draft letter states the City’s request to get started on the fuel reduction and let the experts decide on how that is best done. She stated she is satisfied with the letter as it is written. **Councilor Weed** stated she agreed with the Councilor Bell. **Mayor Boyd** stated he is satisfied with the draft letter. **Councilor Kellstrom** stated he would prefer the Council take a stand but the important issue is to begin the fuel reduction work immediately. **Councilor Merrill** stated he feels the Council does not do a good job of using staff recommendations and he does not agree with the City not taking a stand and supporting the preferred alternative.

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 20, 2007

d. Other Update Items

Manager Stein informed the Council that considering the length of the workshop, additional information will be provided to them via memo and e-mail on unmuffled braking from semi-trucks and street vendor information from the City of Bend. She stated she will provide information about becoming certified by the National Incident Management System to Councilor Merrill and Councilor Bell. She reminded the Council that the Habitat for Humanity Lease for the old City Hall building will be coming up for renewal consideration soon and that information on the LOC conference is in their mailboxes.

Councilor Weed stated she feels the Council should respond to the letter received from Christine Paige regarding her concern that the Folk Festival and Cycle Oregon were taking place in Sisters on the same week-end. The **Council** concurred that all correspondence should receive a response and that the information should be forwarded to the Chamber of Commerce also. **Manager Stein** stated she will draft a response from the City.

Councilor Weed requested that information on the upcoming Forest Service property visioning workshop be forwarded to Bill Mintiens so he can in turn forward it to those on the Action Team list. **Manager Stein** stated she would forward the information.

Finance Director Lisa Young stated that the City has received 63 applications in response to the Administrative Finance Assistant position. She stated that eight individuals will be interviewed. She also informed the Council that the Senior Planner position has been added to the City web-site but of yet no applications have been received.

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

Respectfully submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor