

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE.
DECEMBER 13 2007

MEMBER PRESENT:

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

STAFF PRESENT:

Eileen Stein City Manager
Steve Bryant City Attorney
Lisa Young Finance Director
Eric Porter Planning Director
Laura Lehman Associate Planner
Paul Bertagna P.W. Coordinator
Kathy Nelson City Recorder

ABSENT:

Brad Grimm Public Works Director

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Boyd at 7:02 p.m.

II. VISITOR COMMUNICATIONS

1. Jeremy Ast, 237 E. Black Butte Avenue, Sisters, OR 97759

Mr. Ast stated he wrote a lengthy letter for the November 21st edition of the Nugget Newspaper detailing his concerns with the new ordinance and asking the Council to reconsider the burning ban. He stated the Nugget chose to run the letter in its entirety as a guest editorial. He stated he regrets the negative tone of that letter as that was not his intent. Although Mr. Ast supports the goal to improve air quality he doesn't feel the burning ban is the solution. He stated there is a disparity between business owners and private citizens and feels the Council made a hasty decision. He stated there are issues to be addressed and offered the following constructive criticism. He stated that many City ordinances already go unenforced and he supports the hiring of an enforcement officer by the City as long as the individual does not pick and choose which items to enforce. He stated he applauds the desire to decrease air pollutants created by smoke but stated he feels the use of wood stoves creates more pollution than the small amount created by yard debris smoke. He stated perhaps an incentive program to replace older wood burning stoves with cleaner burning models would effectively reduce pollution more than the burning ban. He stated one of his biggest reasons for opposing the ban is the lack of an effective yard debris collection system in Sisters. He stated the Public Works Department does the best job it can with the tools it has been given, they are not effective tools for the job. He stated that often there is inadequate space for yard debris piles in neighborhoods which leads to people putting their debris on a vacant lot; a practice he feels should be illegal. He stated that sidewalks can be damaged by the equipment used while the pickup of the piles disturbs the soil which increases the chance for the infestation of noxious weeds and spreads the weeds to other sites. He added that in some circumstances noxious weeds are best destroyed by burning. He stated that a curbside

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container program for pickup of yard debris would help reduce the need for outdoor burning, but not eliminate it entirely. He stated that debris piles create an increased risk of fire. He stated that burning, particularly noxious weeds, is more viable in the industrial park. He cited the City of Ashland as an example of a city that has included "Fire Wise" principles and noxious weed abatement into its yard debris pickup program. He circulated a handout (copy attached) of information to the Council. He stated he hopes the Council will consider some of the options he has offered and revisit the burning ban ordinance.

Manager Stein entered letters regarding the burning ban ordinance from RF Remodeling & Construction Inc., and Ben's Cabinets into the record.

2. Kris Calvin, Lasso Road, Sisters, 97759

Mr. Calvin stated that he is not city resident but that he spoke at length with each councilor and voiced his appreciation to each for the time they willingly spend discussing the topic. He stated he was speaking to persuade the Council to reconsider the burning ban in the light industrial park for the following reasons; 1) the fire District already has sensible burning regulations in place that they enforce, 2) recycling can mitigate but not eliminate the waste material generated at his and other businesses and it is more ecological to burn locally than to haul the waste to the landfill, 3) the lot sizes in light industrial park are large and as such provide more defensible space and increase the margin of safety, 4) the light industrial park is not heavily wooded and smoke disperses quickly and 5) to the best of his knowledge there have been no complaints in the light industrial park regarding open burning. Mr. Calvin recommended setting a minimum lot size in the industrial park at 30,000 square feet to allow burning. He stated the ban is trying to fix a problem that doesn't exist and asked the Council to "release the fish you didn't mean to catch". He added that if he was not persuasive enough to have the Council reconsider the ban, he will gather signatures from the businesses in the light industrial park.

3. Glen Miller, 19025 Pine Hurst Road, Bend, OR

Mr. Miller stated he has lived in the area for 35 years and owns 3.5 acres in the industrial park. He stated that businesses have been burning in the industrial park for a long time and it is not noxious burning. He stated that if the Forest Service stops burning then perhaps the City should consider banning burning at that time.

4. Marcela Luna, 150 E. Cascade Avenue, Sisters, OR 97759

Ms. Luna introduced herself as one of the new owners of El Rancho Grande. She stated she has been in the restaurant business for a long time, likes the City a lot and wanted to invite everyone to visit the restaurant.

Mayor Boyd stated the Council had heard from three people regarding the burning ban ordinance and asked if they wanted to revisit the matter. **Councilor Bell** stated she feels the

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Council should reconsider allowing burning in the industrial park based on the lot size and proximity to residential areas. **Councilor Kellstrom** agreed. **Councilor Weed** agreed but also wanted to look at noxious weed control. She informed Mr. Ast that the Public Works Department is researching a more effective means of yard debris collection already. **Councilor Merrill** stated he was willing to revisit the ordinance as his original intent was for neighborhood safety and the smoke came up as a secondary issue. He added he will be glad to meet with anyone and discuss the issue.

Mayor Boyd stated the Council will revisit the ordinance in order to add an exemption for the industrial park burning. **Manager Stein** stated she and City Attorney Bryant will work to revamp the ordinance including looking at the example from the City of Ashland and bring a new ordinance back to the Council.

III. CONSENT AGENDA

A. Minutes

1. November 1, 2007 – Workshop
2. November 8, 2007 – Workshop
3. November 8, 2007 – Regular Meeting

B. Bills to Approve

1. November Accounts Payable
2. December Accounts Payable

Councilor Kellstrom moved to approve the consent agenda. **Councilor Merrill** seconded the motion.

Councilor Merrill asked for a correction to the minutes of November 1, 2007, paragraph two, stating the wording should read “*City Attorney Bryant stated it depends on the context*” not content, as it currently reads.

Councilor Weed asked for a correction to the minutes of November 8, 2007, paragraph three of item 4. She asked that the following verbiage be added to read “*She stated she would be leery of providing incentives to businesses to relocate or start up in Sisters as she feels the incentives often do not have the intended effect and could be unfair to existing businesses*”. She asked that the sentence “*Councilor Weed stated she also feels some concern for the many businesses in town that pioneered successfully without the benefit of an economic development director*” be stricken from the record.

Councilor Weed asked for clarification regarding the \$3,075 charge for the COCO dinner charge to VISA. **Mayor Boyd** explained that since the City coordinated the dinner, the price

for the entire event on September 28th was charged to the City credit card and the City was reimbursed by all the other cities that attended.

Councilor Bell asked for clarification on the payment to Hoyt's Hardware for a sewer spill and asked if there had been a sewer spill. **Public Works Coordinator Paul Bertagna** explained that a contractor hit a sewer line and the Public Works Department staff offered assistance. He stated this represented items purchased to assist with the damage to the line.

The motion carried unanimously.

IV. STAFF REPORTS

A. Eileen Stein, City Manager – *(Report Attached)*

City Manager Stein asked for questions regarding her staff report. **Councilor Bell** asked if the meeting with the Timber Creek developer to resume progress on construction of the bridge had resolved the issue. **Manager Stein** stated the developer will be constructing the bridge and the City is working on a cost sharing agreement where the City will pay for a portion of the cost of the bridge.

Councilor Weed asked if the concerns regarding ordinance enforcement have been resolved with the Sheriff's Department. **Manager Stein** stated that the City is still awaiting the first draft of the contract from County Counsel.

Councilor Weed asked for clarification on the proposal for preparation of a Water Rights Master Plan. **Manager Stein** explained that she had attended a session at the LOC Conference regarding water rights. She stated a company with a high degree of expertise on water rights advocated the creation of a Water Rights Management Plan which she feels would be beneficial to the City. She stated the proposal the City received at a cost of \$15,000 will include an inventory of the City's water rights and map out what would be needed to perfect those rights. She stated she feels it is a prudent piece of work with the acquisition of the water rights from the Lazy Z property. She stated she will be working with the City Attorney on the matter and will distribute a copy of the proposal to each councilor.

B. Lisa Young, Finance Director – *(Report Attached)*

Finance Director Young asked for questions regarding her staff report. **Councilor Weed** asked if an OSHA report had been received from the November 16th inspection yet and **Director Young** stated that a report had not yet been received.

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Councilor Weed asked if an opportunity had been given to Pony Express to meet the prices offered by Office Max for office supplies or if a cost comparison had been made. **Director Young** stated that currently approximately 40% of City office supplies still come from Pony Express. **Mayor Boyd** expressed that although he does not want to waste taxpayer money or spend more because it's a local vendor he wants to give any local business the opportunity to compete for the sale.

C. Captain Tim Edwards – (Report Attached)

Captain Edwards reported on the number of patrol hours worked, school resource officer hours worked, and incidents for the month of November. He reported that a multi-agency traffic team blitz had taken place the day before in the Sisters area that resulted in 38 traffic citations and 82 warnings with the hope that it sends the message to not speed in the Sisters area. He asked for questions regarding his report.

Councilor Bell asked for information regarding the report of several forged travelers checks. **Mayor Boyd** stated that as a victim of the fraudulent checks he could offer an answer. He stated that all the travelers checks were passed in June but it had taken this long for them to make it back to the business owners affected.

Councilor Weed asked for details on the arrest warrant for residing in the National Forest without authorization. **Captain Edwards** stated there is a 14 day limit to camp in the National Forest, that the individual had been cited previously, had failed to appear and the Sheriff Department had assisted the USFS in the arrest.

Councilor Weed voiced concern regarding the Burglary I Theft II on West Sisters View due to the proximity to her home and asked if she should be concerned. **Captain Edwards** stated the suspects in the case have been identified and the residence had been a specific target. He stated she should not be concerned.

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

In Director Grimm's absence, **Public Works Coordinator Paul Bertagna** asked for questions regarding the report. There were none.

E. Eric Porter, Community Development Director – (Report Attached)

Community Development Director Porter provided updates on his report stating that Ray's Market was approved with a number of conditions by the Planning Commission on November 29th. He stated that a 28 unit apartment complex was also approved. He added that a contractor was closed down in the morning for failing to have a valid CCB license.

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Councilor Weed asked about the site plan for Five Pine to convert three approved triplexes to nine individual cabins. She stated it was originally presented that this would be employee housing and she is concerned by the proposed change. **Director Porter** stated he had just received the site plan and it needs to be researched before he can fully comment but he had concerns as well for the same reason. **Mayor Boyd** stated he wanted to add to the record that he is also very concerned about converting the three approved triplexes into individual cabins as that was not the original intent.

Councilor Weed asked for information on the 6,000 square foot restaurant at Ray's. **Director Porter** stated that the City had not received enough details on the restaurant to comment and that the matter will be coming before the Planning Commission at a later time when the details for the restaurant have been established.

Councilor Weed asked for an update on the proposed tax on new construction to benefit the School District. **Manager Stein** stated she and Director Porter had met with District representatives and County Counsel and the City Attorney will work with the District in the creation of an intergovernmental agreement to address the collection of the tax.

V. COUNCIL BUSINESS

A. Discussion and Consideration of a Motion to Endorse a Change of Ownership Liquor License for El Rancho Grande

Manager Stein stated that the motion was to endorse a change of ownership for the liquor license at the El Rancho Grande Restaurant.

***Councilor Kellstrom** moved to endorse a change of ownership liquor license for El Rancho Grande Restaurant. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

B. Public Hearing and Consideration of Ordinance No. 376: AN ORDINANCE OF THE CITY OF SISTERS, OREGON AMENDING THE CITY OF SISTERS DEVELOPMENT CODE TO MODIFY STREET TREE MAINTENANCE PRACTICES, ESTABLISH AN URBAN FORESTRY BOARD AND REGULATIONS (Tree City USA)

Mayor Boyd opened the public hearing on Ordinance No. 376. There was no one wishing to speak on the matter and the public hearing was closed

Councilor Kellstrom moved for the first and second reading by title only of Ordinance 376. **Councilor Merrill** seconded the motion. The motion carried unanimously.

City Attorney Bryant read Ordinance No. 376 by title only, twice.

Councilor Kellstrom moved to approval of Ordinance No. 376. **Councilor Merrill** seconded the motion. The motion carried unanimously.

C. Discussion and Consideration of Ordinance No. 377: AN ORDINANCE AMENDING CITY OF SISTERS CODE SECTION 3.04.020, 3.04.040, AND 3.04.060 CONCERNING THE TRANSIENT ROOM TAX TO AMEND THE DESIGNATION OF TAX ADMINSTRATOR, TO ALLOW DEDUCTION FOR ADMINISTRATIVE COSTS, AND TO INCLUDE CERTAIN GOVERNMENT CONTRACTS UNDER THE PERMITTED EXEMPTIONS

Councilor Weed asked how the Sisters Chamber of Commerce feels about the proposed change. **Director Young** stated she had met with the Chamber Executive Director to discuss the matter and the Chamber Director was in support of the ordinance. **Director Young** stated the ordinance is standard practice in most government agencies that collect room tax. She stated the Chamber of Commerce Board was also in support of the change.

Councilor Kellstrom moved for the first and second reading by title only of Ordinance No. 377. **Councilor Merrill** seconded the motion. The motion carried unanimously.

City Attorney Bryant read Ordinance No. 377 by title only, twice.

Councilor Kellstrom moved to approve Ordinance No. 377. **Councilor Merrill** seconded the motion.

Councilor Weed asked for clarification on item 2 of 3.04.060 Exemptions. **City Attorney Bryant** stated that if a person rents their private home incidental to their own use of the home for less then 30 days in a year, the tax does not apply.

The motion carried unanimously.

D. Public Hearing and Consideration of an Appeal of a Planning Commission Decision on files #MP07-02, CU07-03 and SUB07-04 (North Park)

Director Porter stated he was not going to go into any of the details of the file but stated that staff agrees with the Planning Commissions decision to approve files MP07-02, CU07-

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03 and SUB07-04. He stated staff offered two options in the agenda item summary and recommended Option 1 to decline to hear the appeal.

Councilor Merrill moved that the City Council decline to hear Appeal AP07-01 and thereby affirm the Planning Commission decision on files MP07-02, CU07-03 and SUB07-04. Councilor Kellstrom seconded the motion. The motion carried unanimously.

VI. OTHER BUSINESS

VII. MAYOR/COUNCILOR COMMENT

Councilor Bell informed the Council that she had attended a Central Oregon Intergovernmental Council (COIC) Board meeting where it was decided that Dial-A-Ride will become a COIC program. She stated there are plans to expand in the future towards public transportation use that will be for groups other than seniors. **Manager Stein** asked if the City will need to amend its van agreement with Central Oregon Council on Aging (COCOA). **Councilor Bell** stated that currently the agreement will still exist with COCOA but will transition in the future to COIC and be renegotiated. She added that a centralized transit location that will act as a feeder to other areas will be created.

VIII. ADJOURN – 8:02 p.m.

Respectfully Submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor