

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JANUARY 17, 2008

MEMBERS PRESENT:

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

STAFF PRESENT:

Eileen Stein	City Manager
Brad Grimm	Public Works Director
Lisa Young	Finance Director
Eric Porter	Planning Director
Kathy Nelson	City Recorder

GUESTS:

Katie Cavanaugh Sisters Community Garden

The meeting was called to order at 8:04 a.m. by Mayor Boyd.

1. Community Garden Proposal

Katie Cavanaugh, representing the Sisters Community Garden, stated she was proposing the Sisters Community Garden move from its temporary location on Habitat for Humanity property to a permanent location at the Cliff Clemens Park, adding that most community gardens across the nation are located on city properties. She stated the Community Garden is partnering with the Kiwanis with regard to development of the park to incorporate some aspects of a vision previously set by the Kiwanis. She stated the Community Garden distributed fliers to every home in the surrounding neighborhood explaining the proposed move of the Community Garden and held a meeting with interested neighbors to answer questions. She stated the meeting was only moderately attended. She distributed sketches showing the basic concept for the improvements that the Community Garden would like to make to the park in tandem with the Kiwanis. She showed the placement of the garden, picnic areas, gazebo and parking. She stated that moderate fencing such as a split rail fence would surround the park and an entryway arch designed by Ponderosa Forge would be placed on Larch Street. She directed the Council to the rendering of the entryway arch that showed an airplane in front of the Three Sisters Mountains stating it was created as a tribute to Cliff Clemens, an avid pilot. She stated she had also included the original approved plan from the Kiwanis.

Manager Stein stated that because there was an originally approved plan for the park the addition of the Community Garden would be a modification to that plan. She stated that Ms. Cavanaugh was bringing the proposal to the Council as the owner of the property prior to bringing the request for a modification to the plan to the Planning Commission.

Ms. Cavanaugh stated there is currently power and water at the site and she had spoken with Mike Burke at Sisters Landscaping, since he was the one who initially put in the irrigation to the

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park, as to what modification will be needed for the garden. **Councilor Merrill** asked who will pay for making the improvements and the costs associated with operating the garden. **Ms. Cavanaugh** stated that the garden will require a small amount of power to run the irrigation system and water for irrigating. She stated the Community Garden plans to cover those costs through its fundraising efforts, unless the City volunteers to assist with those costs. **Mayor Boyd** stated that the City currently irrigates the park.

Councilor Weed stated there would need to be an agreement with the City that provides a contact person in case there were issues or concerns that arose regarding the garden. She stated if that was provided she saw no reason why the City would not continue to pay for the necessary water to irrigate the garden. **Manager Stein** stated the City would craft a use agreement and that the only cost not born by the Community Garden or Kiwanis is public restrooms, which would be maintained by the City. She stated the restrooms are part of the previously approved site plan and hoped the City could obtain a grant to build them. She stated who will pay for the cost of modifying the site plan needs to be determined.

Mayor Boyd stated he agrees in concept to the garden moving to the park but that details need to be worked out. He stated that the design looks a great deal like Village Green and he feels that each park should have its own flavor. **Manager Stein** stated that with additional public input it may be that people in the surrounding neighborhood would prefer to see fewer improvements and more open space than proposed. **Ms. Cavanaugh** stated the garden is not situated in front of any home site.

Councilor Merrill asked if the proposal will go to the Planning Commission as a joint improvement to the park and **Manager Stein** stated it will. **Councilor Weed** asked that the Community Garden insure that the surrounding neighbors are kept informed. **Manager Stein** stated she would recommend that the filing fee of \$1,200 be waived by the Council but if it chooses not to waive the fee she wants to communicate that now. **Councilor Weed** stated that the Community Garden and Kiwanis would bring additional value to the park and that it would likely be visited more often and agreed the fee should be waived. **Mayor Boyd** stated that instead of waiving the fee and setting a precedent, he would recommend the City pay the filing fee to itself.

Ms. Cavanaugh thanked the Council for allowing her the time to speak on behalf of the Community Garden.

2. Sheriff's Contract Update

Manager Stein stated the Sheriff's contract expires on June 30, 2008 and is up for renewal of another three year term. She stated the contract was received from county counsel and did not yet include pricing, which will likely be determined by April. She asked the Council to focus on the language specifically as it relates to the changes which included deleting the "*support for special events*" and the enforcement of City ordinances "*pertaining to health and safety violations as*

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determined by the Sheriff". She stated she suggested the language pertaining to ordinance enforcement be changed to read "*as mutually determined by the Sheriff and the City*".

Councilor Merrill stated his concern that the contract has "wiggle room". He agrees with the mutually agreeable language but wants to know what those terms are and have them spelled out.

Councilor Weed stated she agrees and feels that the City needs to be specific on what the City expects in terms of enforcement.

Manager Stein stated that a review by Planning Director Porter of the Planning Department indicates that he feels the department can handle code enforcement in-house and that some of the concerns previously brought up by the Council will be handled as complaints come into the City.

Councilor Weed stated she felt that some matters should be handled by the Sheriff immediately, not through the Planning Department and wants those issues to be predetermined.

Mayor Boyd stated he agrees but the language needs to identify what a health and safety issue is. He stated he doesn't want code enforcement to be complaint driven but rather he wants someone to be looking for violations such as "dark skies" or sign violations. **Manager Stein** stated that if the Council expects code enforcement on a proactive basis rather than on a complaint driven basis, then staff will need to reconsider whether the Planning Department has the capacity to handle code enforcement under those parameters.

Councilor Merrill stated that almost all City ordinances deal with the health and safety of citizens and shouldn't need to be specified as mutually agreeable. **Manager Stein** stated that she spoke of "mutually agreeable" with regard to situations and not to types of violations. **Manager Stein** asked for specifics with regard to "wiggle room" to understand specific areas of concern for the Council.

Councilor Bell stated that in a previous discussion she stated she felt the contract does spell out that the Sheriff's Department will proactively pursue code violations but was told by the City Attorney that was not actually the intent of the contract. She stated she wants the language written to be more specific so the expectations of what will be enforced by the Sheriff's Department on a proactive basis is known to both parties. **Mayor Boyd** stated the contract needs to spell out what the City expects and suggested that perhaps the City should have one dedicated deputy to provide consistency. He stated he doesn't want to tell the Sheriff's Department how to do its job but wants it to be looking for abandoned vehicles and dogs running loose. **Manager Stein** stated that if a dedicated deputy is the expectation of the Council it would significantly change the contract. **Councilor Weed** stated that if that would change what the City would be paying for the contract she would not agree. **Manager Stein** stated that to the City's advantage, Deputy Al Borland, a former City of Sisters police officer, has rotated back into the City as his area for patrol. **Councilor Weed** asked if making specific requests regarding enforcement will affect the cost of the contract and **Manager Stein** stated it could.

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Mayor Boyd stated he expects the citizens of Sisters to receive the same level of coverage that is standard to Deschutes County residents and needs to know if abandoned vehicles and animals at large would normally be covered. **Councilor Merrill** stated it is difficult to check the contract and make certain the City is getting its moneys worth. **Councilor Weed** stated the Sheriff need to let the City know what is provided as “customary”. **Councilor Bell** stated that a comparison of what the Sheriff provides to County residents should be made to ensure the City is not paying for services that should be provided automatically. **Mayor Boyd** stated the City is looking for enforcement of public safety. **Manager Stein** warned that there will always be interpretation as each case is different and she feels that no contract will ever be airtight.

3. Preview 01/24/08 Regular Meeting Agenda

Manager Stein provided an overview of the next workshop and regular meeting. She hoped to bring the revised burning ordinance back to the Council at the next meeting but that was incumbent on a planned meeting with the Fire Chief and City Attorney and what comes out of that meeting. **Councilor Weed** stated she would like the have the ordinance come back to the Council in a workshop as she feels there is not concurrence within the Council. The other councilors agreed and the item was pulled from the agenda. **Councilor Bell** asked if like the City of Bend, Sisters could require a burning permit. **Manager Stein** stated that instead of instigating another permit process that needs to be tracked, she suggests language to the code to allow exemptions for burning in the industrial park by a construction related industry of wood by-products. She added that the City could prohibit burning in the Three Sisters and Sun Ranch light industrial parks when **Councilor Bell** voiced her concern about the proximity to residential units in those areas.

Councilor Merrill asked for a definition for commercial waste and industrial waste and stated that the City needs to know the difference since the Development Code already prohibits the burning of industrial waste. He stated the City might want to prohibit burning in some lots in the industrial park that have proximity to Sun Ranch and Three Sisters industrial park residential units.

Manager Stein stated that the amendment to the Personnel Handbook is to separate vacation accrual from holiday accrual and to change limiting sick leave so as not to affect an individuals Public Employees Retirement Plan (PERS) retirement benefits.

Councilor Merrill asked what the relationship is between that Master Fee Resolution and the letter received from Richard Esterman. **Manager Stein** stated that the resolution will update various fees including changes to the fees charged by Public Works staff, including special events in the City. She stated Mr. Esterman is concerned because he has already priced his 2008 event and informed vendors of the associated costs for the event and is concerned that he could be out of pocket for the event. **Councilor Merrill** stated the Council needs to take this into consideration when deciding on the fee schedule. **Public Works Director Grimm** stated the he had tried to identify items that have never been identified previously that have a cost associated with them in an attempt to recoup some of those funds. **Manager Stein** stated she thinks that some events have

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derived benefit they don't realize they have in the past. **Councilor Kellstrom** stated the City can't change the fees structure for those events that have already filed an application for an event in the City as that is not the way to do business. He suggested excluding those events from the increased fees and the Council agreed.

Finance Director Young stated the City is trying to determine just how much events cost the City and is looking to track the time and cost associated with the events. She stated the City has had the authority to charge some of the fees in the past but has never followed through with those charges. **Councilor Weed** stated that events are a part of the traditions of the City and bring benefit to Sisters. She stated she doesn't want the fees to be onerous and perhaps the City can support the events by not recouping 100 percent of the costs. She stated she doesn't think the City can pass the resolution without talking with potentially affected parties. **Manager Stein** stated the resolution will combine all City fees into one document and if the Council decides there is one particular fee that is of concern, it can be pulled from the resolution so as not to hold up the implementation of the other fees. **Mayor Boyd** stated the Council can look at the resolution when they receive the packet next week and it can be tabled if necessary.

Councilor Weed asked how many applications had been received for the Transportation System Plan (TSP) Project Advisory Committee (PAC). **Manager Stein** answered that applications will be accepted through tomorrow and that 13 had been received so far. **Mayor Boyd** added that one extremely qualified candidate application had been received for the Historic Landmarks Commission.

4. City Manager Update

Manager Stein updated the Council on the Central Oregon Cities Organization (COCO) meeting and the annual Three Sisters Irrigation District meetings she had attended. She stated the irrigation district meeting provided more information on the Endanger Species Act (ESA), 10J ruling process and the creation of a Habitat Conservation Plan (HCP) and the desire to bring cities, counties and irrigation districts together to work on the HCP. She stated a discussion at the COCO meeting was on a draft scope of work to cost \$80,000 to \$100,000 to do a risk assessment for all the cities on whether they will have liability under ESA and to what level. She stated there is a need to come together as a coordinating council for this long term project and that work is happening. She added she plans to meet with the Prineville City Manager to discuss the issue as Prineville is in a similar situation as Sisters.

Councilor Merrill stated that losing Judge Scott Cooper, who is retiring, will be a huge loss to a project that the City will be facing for the long term at a significant cost. He stated he would suggest that Manager Stein replace Judge Cooper as she is every well versed on this difficult and complex subject. **Manager Stein** stated that she expects the reemergence of the Deschutes Water Alliance which includes the tribes and the irrigation districts or some other government structure to deal not only with the HCP but with all water issues. She stated that what is shaping up is a

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national model to deal with fish and water issues on a collaborative level. She stated that another aspect to consider is as owners of the Lazy Z the City is a member of the Three Sisters Irrigation District which is passing on its costs to its membership. As such the City could end up paying twice for irrigation projects, for its own projects and through an irrigation district assessment.

Manager Stein that another issue to consider is that Three Sisters Irrigation District takes its water from further down Whychus Creek and the City gets its water from the Uncle John Ditch. She stated that one of the improvements to be made under the ESA/HCP plan by the irrigation district will be to install a fish screen to keep the fish out of the irrigation canals. She stated the cost for the fish screen, which is scheduled for construction in the fall of 2009, is \$620,000. She stated that the City of Sisters as the primary user of the Uncle John Ditch the City will need to contemplate a fish screen or close off the Uncle John Ditch at the diversion point and become a permanent member of Three Sisters Irrigation District. She stated there are other users of the Uncle John Ditch that need to be considered. **Mayor Boyd** stated that hopefully there are federal funds available and **Manager Stein** stated that there many grants available.

Manager Stein stated the Community Summit date is still undetermined and that a date for the City Council goal setting session needs to be set. She informed the Council that the Management Team was having a half day retreat on Friday to prepare for the upcoming goal setting and budget sessions.

Director Grimm circulated photos of the automated litter receptacles (ALR) he is recommending for the downtown core area to replace the former Kiwanis trash receptacles. He stated he is also looking at placing some recycling receptacles in the area. He stated the practical design allows the receptacles to be picked up with the side arm refuse truck for a more efficient and clean process. **Councilor Weed** stated she felt they are unattractive and **Councilor Kellstrom** stated that once placed, people won't even notice them. He stated they will help with the trash problem and is a better use of labor.

Mayor Boyd stated that currently there are 17 receptacles in the downtown core but he is uncertain if they are placed in the appropriate spots and if that number is sufficient. He asked Director Grimm to look at the location and number of receptacles actually needed. **Director Grimm** stated that he will research that issue. He stated that another benefit to the receptacles is they have locking lids that prevent people from dumping their household garbage into City cans which is an ongoing problem. **Mayor Boyd** asked if the cans include ashtrays and **Director Grimm** stated the receptacles are available with that option and can still used with the side arm refuse truck. **Councilor Bell** asked if they can be branded and **Director Grimm** they can at a cost of \$10 each. **Councilor Merrill** suggested offering the Chamber the opportunity to brand them but further discussion by the Council determined the cans could melt or just looked marred.

Councilor Weed asked for an update with regard to the Timber Creek bridge. **Manager Stein** stated staff is exploring with Mr. Forbes the possibility of his making a financial contribution and

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the City completing the project. **Councilor Bell** asked Manager Stein to bring the cost estimate back to the Council if it is significantly above \$36,000. **Director Grimm** stated that the City can not do the paving or railing. **Manager Stein** stated the City will also require Mr. Forbes to sign an indemnification release with regard to a prevailing wage claim.

Councilor Kellstrom asked where the agreement for the Timber Creek bridge came from and if it had been reviewed by the City Attorney prior to acceptance. **Manager Stein** stated the City Attorney had not reviewed the development agreement. **Director Porter** stated that one problem with the agreement is it had been tied to the building permits and not the land.

Councilor Merrill asked to go back to the discussion on the Community Garden motion for the next regular meeting stating he felt it should be presented to the Planning Commission first. **Manager Stein** stated that as the owner of the property the motion would allow the Community Garden to move forward. **Mayor Boyd** requested that the language regarding the motion be reviewed by the City Attorney before the meeting and **Manager Stein** indicated she would discuss the matter with him.

Councilor Bell asked if guest speakers could get information to the Council in advance as it would be helpful. **Mayor Boyd** stated the City should require information and handouts in advance to allow the Council the opportunity to preview the information. He stated that if the information is not received in advance the item may be pulled.

Manager Stein informed the Council that the joint workshop meeting with the Planning Commission will be held on February 28th beginning at 5:30.

The meeting was adjourned at 10.05 a.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor