

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE.
MARCH 27, 2008

MEMBER PRESENT:

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

ABSENT:

Shawna Bell Councilor

STAFF PRESENT:

Eileen Stein City Manager
Steve Bryant City Attorney
Lisa Young Finance Director
Eric Porter Comm. Dev. Director
Paul Bertagna Pub. Works Coordinator

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

Robin Tawney, Habitat for Humanity ReStore Manager, 525 E. Washington Street, Sisters, OR 97759

Ms. Tawney thanked the Council for allowing the ReStore to lease the old City Hall building and distributed invitations to the Council to attend the one year anniversary celebration at the ReStore on April 11, 2008. She reported that through sales at the location, the ReStore has generated \$40,000 for the Sisters Habitat Building Fund and kept 112 tons of material out of the landfill.

Dennis Guthrie, 4495 NE 25th Street, Redmond

Mr. Guthrie thanked the Council for allowing him to speak. He congratulated the Kiwanis for the gazebo and benches they placed in the Village Green Park and congratulated Phil Gale for revitalizing the Veterans of Foreign Wars (VFW) organization in Sisters. He stated he feels it is important that young veterans become active in their communities and be given the respect they deserve. He stated that he, along with other Central Oregon veterans, is concerned with the difficulty the VFW is having with placing a flag pole over the memorial they are building. He stated that a flag is proper to drape over a coffin when someone has fought and died for their country and it should and is proper to fly a flag over the memorial. He stated that over a million Americans have paid the ultimate sacrifice for the ideals our flag stand for. He stated he has heard it mentioned that the City is considering desecrating the hallowed ground of the original Veterans Memorial that was dedicated by the only Medal of Honor recipient in Oregon, because, as he informed the Council, once a memorial is dedicated it is considered hallowed. He stated that as a representative of the 22,000 VFW

members in Oregon he is asking that the Council vote in favor of placing a flag over the new Veterans Memorial under construction in Village Green Park.

III. CONSENT AGENDA

A. Minutes

1. February 21, 2008 –Workshop
2. February 28, 2008 – Joint Workshop with the Planning Commission

B. Bills to Approve

1. March Accounts Payable

C. Signature Card Update – Bank of the Cascades

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

Mayor Boyd asked for clarification of the payment of \$4,320 to Central Oregon Community College (COCC). **Manager Stein** explained it was payment for a management training program that she and the management team are taking through COCC.

Councilor Weed asked for clarification with regard to the signature card updates for Bank of the Cascades. **Finance Director Young** explained resigning of the cards was necessary to add the verbiage that two signatures are required on checks for all accounts.

The motion carried unanimously.

IV. STAFF REPORTS

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

Public Works Coordinator Paul Bertagna asked for questions regarding the staff report in Director Grimm’s absence. There were none.

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

Community Development Director Porter asked for questions regarding his staff report.

Councilor Kellstrom asked how many cluster boxes will be installed and if there will be more than one location. **Director Porter** stated the Post Office was asking the City for input with regard to the number of boxes to install. **Councilor Kellstrom** stated the cluster boxes should be strategically located throughout the south side of the City. **Director Porter** stated

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he will coordinate with the Post Office and Manager Stein to insure that traffic impacts are mitigated as well as meeting the Americans with Disability Act (ADA) standards and report back to the Council.

Councilor Weed asked when the Arbor Day celebration will take place. **Director Porter** stated a date has not been determined as the City is attempting to coordinate its Arbor Day activity of tree planting with the fourth graders at Sisters Elementary School.

Director Porter stated he has information regarding a development agreement for New Sisters Village that is due to expire on April 5, 2008. He stated he received a phone call from an architect who is designing a hotel for a pre-designated site in the New Sisters Village. He stated the parameters are from a ten year old agreement that is much more lenient than the City's current standards with regard to height and pedestrian orientation. He stated the agreement would allow for a 45 foot tall roof measured at the midpoint, which conceivable will produce a building much taller than 45 feet. He stated it was a County approved plan that the City adopted. **Mayor Boyd** stated the area is the commercial component of Pine Meadow Ranch that was originally approved by the County and grandfathered into Sisters with the County set of rules for ten years. **Director Porter** stated the architect is trying to rush a plan in order to meet the April 5th deadline. He stated he explained to the architect that according to the City's Development Code all Type 3 applications require a pre-application meetings with at least a two week lead time in order to provide staff adequate time to review the documents, and based on the time remaining before the agreements lapses, it will be impossible for the firm to meet that timeline. He stated he informed the architect the only possible way around the matter is to see if the Council is interested in renegotiating the agreement, rewriting the agreement, allowing an extension on the agreement or requiring them to design to current City standards. He stated he informed the architect it is not a staff matter at this time but instead a political matter. He stated he informed the architect a letter of intent would be necessary to let the Council know they are interesting in addressing the Council even after the contract may have expired. He stated he was expecting the architect to call and request a meeting with the Council and **City Recorder Nelson** stated the architect had called in the late afternoon with a request to meet with the Council at the workshop meeting of April 03, 2008. **Mayor Boyd** stated the Council would take the matter up later.

V. COUNCIL BUSINESS

A. Discussion and Consideration of Resolution 2008-05: A RESOLUTION DECLARING THE CITY'S INTENT TO REIMBURSE EXPENDITURES WITH THE PROCEEDS OF FUTURE TAX-EXEMPT OBLIGATIONS

Manager Stein explained that the City is making progress on financing for urban renewal projects on behalf of the Urban Renewal Agency. She stated one of the approved projects

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is the street improvements associated with the Sisters/Camp Sherman Fire District expansion project, which may request reimbursement prior to the City's financing being completed and the funds received. She stated this resolution will allow the City to borrow from itself to reimburse the Fire District and then repay itself when the financing funds are received. She stated the financing will be a tax-exempt obligation because it is being issued on behalf of a government agency.

Councilor Kellstrom moved approval of Resolution No. 2008-05. Councilor Weed seconded the motion.

Mayor Boyd stated he would hate to take the money from one fund and then discover the City was unable to complete or does not qualify for the funding. **Manager Stein** stated she does not foresee any problem as it will be a full faith and credit financing and the only negotiating will be with regard to the interest rate to be charged. She stated the General Fund appears to be in good financial shape and the five year financial projections will be included with the financial documents. **Councilor Kellstrom** asked what the anticipated timing would be between when the Fire District would request funds and the financing would be received. **Manager Stein** stated the resolution is only a precautionary measure and it is possible it may not be needed at all or at most one month

The motion carried unanimously.

B. Discussion and Consideration of a Motion to Award a Bid to Richard Bartels Construction LLC in the Amount of \$48,842.95 for the Tye/Maple Waterline

Public Works Project Coordinator Bertagna explained to the Council that the City received five bids for the Tye/Maple Waterline project with Richard Bartels Construction LLC coming in as the apparent low bidder. **Coordinator Bertagna** stated the City was attempting to keep the project under \$50,000 to meet budget constraints and to keep the project under the prevailing wage limit. He stated the City Engineer stated in the bid documents that if the bid was over \$50,000 he would remove the asphalt overlay portion of the project to meet the budgeted amount. He stated that Richard Bartels Construction LLC was not the low bidder once the asphalt overlay was excluded. In response, Roscoe Development LLC submitted a Protest of Notice of Intent to Award because once the asphalt overlay was removed from the project its bid was lower than Richard Bartels Construction LLC. He stated that staff was recommending Council reject all bids and re-bid the project again.

City Attorney Bryant stated that the way the bid document was written gives rise to who is the apparent low bidder. He stated he has also heard from Richard Bartels' attorney objecting to rescinding the bid award and rather than have a potential lawsuit from one or

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both of the involved parties, it will be better to reject all the bids and rebid the project without the asphalt overlay.

***Councilor Weed** moved to reject all bids on the Tyee/Maple Waterline and rebid the project excluding the asphalt overlay. **Councilor Kellstrom** seconded the motion. The motion carried unanimously.*

VI. OTHER BUSINESS

Manager Stein reminded the Council that she will be in Washington DC next week participating with the Project Wildfire team in making a presentation about Project Wildfire. She stated Director Young will be acting in charge (AIC) in her absence. She stated that Director Grimm will also be out of the office next week.

Manager Stein stated that City Attorney Bryant was available to present a workshop on the new ethics rules at next week's workshop. She stated the only other topic for the workshop was relative to the extension of the contract for New Sisters Village development agreement, stating that City Attorney Bryant wanted to do some additional research on the project.

Councilor Weed stated she was not interested in extending the deadline at all and asked if a majority of the Council felt that way if there was any reason to discuss the issue any further.

Councilor Merrill stated he would prefer to find out if there are legalities involved and would like to find out what City Attorney Bryant has to say before making a decision. **City Attorney Bryant** stated that no decision needs to be made until someone requests a decision. He stated he wanted to discuss the matter with staff at the weekly meeting and look at the statues involved. He stated that if a request is received from the architect and the Council wants to discuss the matter at the workshop it can. He stated there may be information he provides the Council in anticipation of a request. **Recorder Nelson** stated that representatives from the architectural firm had indicated they would like to attend the workshop on April 3, even though they realize that the Council cannot make any decisions at a workshop meeting. **Mayor Boyd** stated he feels the Council needs to have City Attorney Bryant bring the Council up to speed on the matter before hearing any request. **Councilor Weed** stated the Council needs something in writing to know what the architectural firm is requesting. **Mayor Boyd** stated that at the workshop meeting on April 3rd, he was recommending the Council hears from City Attorney Bryant on the new ethics rules and quarterly Statement of Economic Interest (SEI) forms as well as hear any additional background information that the City Attorney may have regarding the expiring contract. He stated the Council will not hear from the architectural firm and the firm can address the Council during visitor communication at the next regular meeting if it desires. **Manager Stein** reminded the Mayor that as a public meeting the representatives from the architectural firm could attend the workshop and **Mayor Boyd** acknowledged they could, but stated they may not have an opportunity to speak. **Councilor Weed** stated it would be beneficial to have

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the representatives attend in order to answer any questions that might arise from the written materials. **Manager Stein** stated she would schedule the items for the workshop.

Councilor Kellstrom stated he had not received his yearly Statement of Economic Interest (SEI) form. **Recorder Nelson** stated she had heard the State was late getting the forms out but they should be mailed by April 1st as they are due on April 15th. **City Attorney Bryant** stated the forms should not be too onerous.

Manager Stein reported the plaque for the Sisters Recycling Center has been ordered.

Manager Stein read an email from Taylor Robertson in his capacity as a member of the Kiwanis in regard to Cliff Clemens Park and the Kiwanis stand on working together with the Community Garden on the modified site plan. The email stated the Kiwanis Board has decided to move forward with its approved site plan that includes fencing, parking, entrance structure and doggy stations. The email also stated the Kiwanis Board decided to take no position on the Community Garden's inclusion in the park and that the matter should be decided by the City, the Community Garden members and the surrounding neighborhood. It further stated the Kiwanis site design does not conflict if it is decided to site the Community Garden in the park also. **Manager Stein** stated that it appears the Kiwanis are not interested in a single coordinated site plan and asked the Council how it would like to proceed with the planning process. She stated she also wants to know how the Council feels about the Kiwanis moving forward with their plans for fencing and the like.

Councilor Merrill stated he has reviewed the Park Master Plan and the Kiwanis drawing and the two plans do not match. He stated the City should not depend on asking applicants to coordinate actions. He stated he thought the City had agreed to oversee a meeting with the neighborhood to educate them on the Park Master Plan, the only supportable document.

Councilor Weed asked when the memorial to Cliff Clemens was to take place. **Manager Stein** stated she was unaware of a date at this time. **Manager Stein** stated that the improvements the Kiwanis are hoping to install soon are part of the plan approved by the Planning Commission and not the approved Park Master Plan. **Councilor Weed** stated she felt the Park Master Plan was the controlling document. **Councilor Merrill** stated that approval of the Architectural Review Committee (ARC) is also necessary. **Mayor Boyd** asked when the Planning Commission approved the site plan for the Kiwanis and **Director Porter** stated it was in September 2006. **Councilor Merrill** stated that the Kiwanis plan was not in agreement with the Development Code and had a restroom situated directly across the street from one of the neighborhood homes. He stated he couldn't see why the Council would even want to consider allowing the Kiwanis to move forward with its plan.

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Mayor Boyd stated his concern is there are two approved documents that do not reflect the same improvements and more importantly the surrounding neighbors of the park are unaware of either improvement plan. He stated he feels the City needs to host a community meeting, inform the attendees of the two different plans and then reassess what improvements should be considered. **Manager Stein** asked if that meant the Council wants to convey back to the Kiwanis to hold off on the improvements they were planning on moving forward with. She stated that process wise she had hoped to have a proposed set of improvements that was a coordinated effort of the Kiwanis and Community Garden to present at a community meeting as a part of the land use process before the matter came before the Planning Commission.

Councilor Weed stated she understands that the Kiwanis do not want to be held back by the Community Garden and the City should allow them to begin moving forward with their approved site plan, as she feels the improvements they are proposing would be on any set of design plans for the park. **Councilor Merrill** stated he did not agree. **Mayor Boyd** stated he felt the Council should hold up the Kiwanis on making improvements to the park, hold a public meeting to inform citizens of the predicament of two approved plans and receive input from concerned neighbors. **Councilor Weed** asked if the Kiwanis have legal standing with its approved plan and **City Attorney Bryant** stated the plan is subject to the consent of the property owner, which is the City. **Councilor Merrill** stated there are other matters to consider as to what type of fencing will go in, what type of structure might go in and how the doggy stations will be serviced. **Manager Stein** stated she will proceed with the City hosting a meeting outside the land use process and the **Council** concurred.

Councilor Kellstrom stated he has some questions on the monthly financial report received by the Council. **Councilor Merrill** stated he was uncertain how to comprehend the information and **Councilor Weed** stated she would also like an overview on how to interpret the information also. **Manager Stein** stated an overview of the financial report by Finance Director Young could be added to next week's workshop and the **Council** concurred.

Manager Stein provided an update on the T-Mobile cell tower lease agreement. She stated that after the City informed T-Mobile it was being evicted from the site, the old City Hall was leased to the Habitat for Humanity ReStore and the City determined that T-Mobile could remain at the present tower location. She stated the City has been negotiating on a new contract and the City had received notification from T-Mobile that it is willing to increase the lease payment to \$1,200 a month for a five year lease. She stated she feels a five year lease term is too long to tie up the old City Hall property and was recommending a three year term instead and asked for the Council's thoughts. The **Council** agreed with Manager Stein on the three year timeframe with the exception of **Councilor Weed** who abstained from the conversation due to a conflict of interest. **Councilor Merrill** stated the issue brought up the need for the City to review cell tower procedures with someone knowledgeable with the cell tower industry to insure the City was obtaining the best support and coverage for its citizens

and not just those individuals traveling through town on the highway. He suggested hiring a consultant to create a policy for the City.

VII. MAYOR/COUNCILOR COMMENT

Councilor Kellstrom asked for an update on the Fire District's request to rezone a portion of the treatment plant property for a training facility. **Manager Stein** stated that staff had met with Fire District personnel to discuss the matter. She stated that instead of a zone change to the property, **Director Porter** will be working with Deschutes County to obtain a conditional use permit. She stated the process will take three to four months to complete.

Councilor Weed asked for an update on the Forest Service property. **Director Porter** stated that he is working with Mark Radabaugh from the Department of Land Conservation and Development (DLCD) to draft policy language that is not too specific with regard to the property. He stated the document will come back to the Council when completed. **Manager Stein** added that the property has not yet gone out to bid.

Councilor Weed asked for an update with regard to the VFW request for a flagpole at Village Green Park. **Councilor Merrill** stated that a meeting with representatives from Sisters Christian Academy, Rotary, VFW and himself is scheduled for Friday at 4:00. He stated he plans to discuss the attributes of a good location and options of where to place the memorial. He stated he will collect information and bring it back to the Council.

VIII. ADJOURN – 8:11 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor