

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE.  
JULY 10, 2008

**MEMBER PRESENT:**

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

**STAFF PRESENT:**

Lisa Young	Finance Director
Brad Grimm	Public Works Director
Steve Bryant	City Attorney
Eric Porter	Comm. Dev. Director
Pauline Hardie	Senior Planner
Kathy Nelson	City Recorder

**ABSENT:**

Eileen Stein	City Manager
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**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mayor Boyd at 7:03 p.m.

**II. VISITOR COMMUNICATIONS**

1. Gayle Rodrigues, 759 S. Locust Street, Sisters, OR 97759

**Ms. Rodrigues** stated she was in attendance to allow the Council to put a face to a name as she had submitted a letter of concern regarding the noise level from the Blues Festival that occurred over a three day period during the 4<sup>th</sup> of July weekend. She stated she had been impacted by the noise and requested the Council adopt some type of noise resolution regarding the maximum volume allowed at events of this nature.

**Mayor Boyd** replied that hers was not the only letter or call of complaint the City had received with regard to the noise level of the event and stated that it would be discussed by the Council later in the meeting.

**III. CONSENT AGENDA**

A. Minutes

1. June 12, 2008 – Workshop
2. June 19, 2008 – Workshop
3. June 26, 2008 – Regular Meeting

B. Bills to Approve

1. July Accounts Payable

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

#### IV. STAFF REPORTS

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

**Mayor Boyd** stated that the Committee for Citizen Involvement (CCI) joint meeting with the Planning Commission mentioned in Manager Stein's staff report is postponed until October due to conflicting vacation schedules for members from both groups.

**Councilor Weed** stated she feels that the CCI is not being used in the best way it could be and suggested the Council schedule a discussion to see if there are other ways the committee might be utilized.

**Councilor Weed** asked if a formal request would be forthcoming from the Sisters/ Camp Sherman Fire District for the \$7,000 the district is requesting from the City's National Fire Plan grant to pay for a community-wide disaster simulation and drill. **Mayor Boyd** stated that the City has performed all necessary fuels reduction and there are still grant funds available. **Councilor Bell** asked if the City was certain the grant funds could be used for this purpose and **Mayor Boyd** stated it was his understanding the funds could be used for this purpose but that staff would check again to make certain.

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

**Finance Director Young** asked for questions regarding her report.

**Councilor Weed** asked for additional information regarding the use of Express Personnel Services for future recruitment options. **Director Young** explained that Express Personnel would provide another option when hiring temporary or seasonal positions. She stated that Express Personnel Services would have already checked references and done a background check and this would save time for the City. She stated that positions would continue to be advertised in the Nugget Newspaper also. She stated the service does not cost the City anything unless someone from the service is used.

##### C. Captain Tim Edwards – *(Report Attached)*

**Captain Edwards** reported on the number of service hours provided in June as well as the number of citations, written warnings, verbal warnings and hours worked by the School Resource Officer. He stated there were quite a few intoxicated people as a result of the

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Sisters Rodeo but only five arrests. He stated that with the upcoming Sisters Outdoor Quilt Show there will be additional Sheriff's on duty to help deal with the traffic.

**Mayor Boyd** asked if there had been any arrests with regard to the graffiti incidences downtown. **Captain Edwards** reported there was no suspect at this time.

**Councilor Weed** requested additional information regarding the incident where a loose dog bit an individual on the Peterson Ridge Trail and asked if it is illegal for a dog to be off its leash. **Captain Edwards** stated that it is not illegal for a dog to be off leash but it must be under voice control.

**Councilor Bell** asked if there were signs posted at the Polk Creek Trailhead warning visitors to not leave valuables in their cars. **Captain Edwards** stated that the trailhead is patrolled by Forest Service Deputies, Forest Service Law Enforcement Officers and Deschutes County Sheriff's Office as car break-ins historically happen this time of year. He stated he has not been up to the trailhead so far this year but will check to make certain there are signs posted.

## V. COUNCIL BUSINESS

### A. Discussion and Consideration of a Motion to Endorse a Liquor License Application for Sisters Oil LLC

**Mayor Boyd** asked Community Development Director Porter if this item was to be pulled from the agenda. **Director Porter** stated that John Schaefer, the applicant was in the audience to address any questions from the Council and speak on his own behalf. He stated the initial question is if the applicant is expanding a non-conforming use and at first glance he thought the applicant had been doing so. **Director Porter** stated that after additional research he is less convinced at this time. He stated the applicant is not increasing any of his cold-cases but merely switching out the previously stocked soda for beer. He stated the remaining question is whether Mr. Schaefer needs a conditional use permit.

**Councilor Weed** asked what would trigger the need for a conditional use permit. **Director Porter** stated that if the business is considered a market or grocery store it would be necessary to obtain a conditional use permit. **Councilor Weed** asked what other designation the business could be considered. **Director Porter** stated the business has traditionally been considered a gas station which under the current Development Code would not be allowed and as such is a non-conforming use.

**Mayor Boyd** asked what Director Porter was recommending. **Director Porter** replied he was recommending that Mr. Schaefer apply for a conditional use permit for that portion of his facility that is being used as a market. **Councilor Weed** asked why this would not be

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considered a non-conforming use. **Director Porter** stated that Mr. Schaefer is not expanding the floor area but merely changing the types of items sold. **Councilor Weed** asked why then the applicant would need a conditional use permit. **Director Porter** stated it was a matter of scale. **Mayor Boyd** asked if that meant Director Porter was now recommending Option #2 to “*table the request for a liquor license and require the facility to undergo Conditional Use review and approval as a mini-mart before considering endorsing a liquor license*”. **Director Porter** stated that after speaking with former Community Development Director Neal Thompson that is his recommendation. **Councilor Weed** stated that if that is the case it feels like an expanding operation. She stated she feels the City should either endorse the liquor license as an existing use or deny the liquor license on the basis that it is an expansion of a non-conforming use. **Director Porter** stated that in its entirety the gas station is a non-conforming use but Mr. Schaefer is not increasing the number of gas pumps or products. He reiterated it is a judgment call.

**Councilor Merrill** stated the liquor license application indicated it was a new outlet and asked how long the temporary permit was in effect. **City Recorder Nelson** stated it was 90 days from the May 21, 2008 date when the application was signed by the Oregon Liquor Control Commission (OLCC). **Councilor Merrill** asked if City Attorney Bryant had a legal opinion on the matter. **Attorney Bryant** stated he needed more information to comment. **Mayor Boyd** stated he was going to pull the item in order to allow time for staff and Attorney Bryant discuss the matter further and bring back the information to the Council. He asked if Mr. Schaefer would like to address the Council.

**John Schaefer**, 69414 Lasso, Sisters, OR 97759

**Mr. Schaefer** agreed that it would be a good idea to get together with staff and continue conversation as there is time to do so.

**B. Discussion and Consideration of a Motion** to Endorse a Liquor License Application for Hegner LLC, dba Chiapas Market

**Director Porter** stated that the owner of the market requested the application be withdrawn until the business applies for a conditional use permit as it has changed from a retail outlet to a market.

*The item was pulled.*

**C. Public Comment and Consideration of Resolution No. 2008-15: A RESOLUTION AMENDING THE MASTERS FEE SCHEDULE TO ADD FEES FOR THE COST AND INSTALLATION OF WATER METERS**

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**Director Grimm** recommended the Council approve the resolution to allow the City to charge for the actual cost of water meters and a flat fee for installation.

**Councilor Bell** stated she felt it was a good idea that prices for water meters had not been included in the resolution due to their fluctuating market price and different costs according to size.

**Mayor Boyd** opened the public comment period for anyone wishing to speak on the matter. As there was no one wishing to speak **Mayor Boyd** closed the public comment period.

***Councilor Kellstrom** moved to approve Resolution No. 2008-15 to amend the Master Fee Schedule to add fees for the cost and installation of water meters. **Councilor Merrill** seconded the motion. The motion carried unanimously.*

**D. Discussion and Consideration of Resolution No. 2008-16: A RESOLUTION SUPPORTING THE CITY OF SISTERS APPLICATION TO THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE WASHINGTON AVENUE PEDESTRIAN AND BICYCLE PROJECT**

**Senior Planner Pauline Hardie** stated she was proposing Resolution No. 2008-16 in order for the City to apply for an ODOT grant for the Washington Avenue pedestrian and bicycle project and to authorize the City Manager to sign the grant request proposal for \$500,000.

***Councilor Weed** moved to approve Resolution No. 2008-16 supporting the City of Sisters application to ODOT for the Washington Avenue pedestrian and bicycle project. **Councilor Bell** seconded the motion.*

**Councilor Merrill** stated that in his view the project has not been fully coordinated as he feels it conflicts with the Urban Renewal Plan, specifically goal #2 and that consideration needs to be given to using the alleys for bikes as specified in that plan. He stated he was suggesting the Council not approve the resolution until councilors had the opportunity to drive down Washington Avenue and see what impact this project will have on homeowners. He stated that although there has been opportunity for public input he feels there is a need for additional opportunity for affected homeowners to provide input. He stated the project will also eliminate a considerable number of parking spaces especially near Sisters Fire Hall. He stated that most people attempting to travel in an easterly or westerly direction through the City use Jefferson Avenue but in speaking with Director Porter and Planner Hardie, he was informed that Jefferson Street was dismissed as a possibility due to the fact that more trees would need to be removed. He stated he

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understands there is a time limit to apply but in light of the issues he has brought up he feels the Council should not approve the resolution at this time.

**Councilor Bell** asked if the grant request is specific to Washington Avenue and **Planner Hardie** stated that the request was very specific and required a location map, cross sections of the street and documentation of why the specific street was chosen.

**Councilor Weed** asked how this project fits with the Transportation System Plan (TSP) update and voiced her concerns for the impact to residents also. She asked if there is a possibility to make the grant request and then change the plan after acceptance. **Planner Hardie** stated she spoke with a representative from ODOT to see if the alleys mentioned in the Urban Renewal Plan would qualify for the grant and was told that since the grant funds are coming from the Oregon State Highway Fund the grant funds must be used for improvements to road, street or highway right of way.

**Mayor Boyd** stated that bike use in the alleys is a very bad idea and that he doesn't think that Washington Street is even included in the Urban Renewal Plan. He stated that one of the concerns with Jefferson Avenue is it is a collector street and as such is a bad place for bikes and pedestrians. He stated that ODOT representatives are aware there might be some changes to the request after the TSP update is completed but still recommended the City give the grant application the best effort and apply. He stated the grant is on a funding cycle for 2010 or 2011 and when the TSP update is completed the Urban Renewal Plan can be updated to match that update.

**Councilor Kellstrom** asked for an explanation of the cross section of the road, in particular the extremely wide swale as shown. **Director Grimm** stated that ODOT will not accept anything wider than 18 feet for the street as ODOT feels this will have a street calming effect and slow drivers down who will be sharing the road with bicyclists. He stated that after parking was taken into consideration it left an extremely wide swale. **Director Grimm** stated the sidewalks will hold children and the additional width of the swale will provide additional safety. He added that the sidewalks will be asphalt not concrete. **Councilor Kellstrom** asked how wide the street is now and **Director Grimm** stated with parking it is 32 feet wide. **Councilor Bell** asked if the bike lane will be striped and **Director Grimm** stated there would be no bike lanes or center stripe. **Mayor Boyd** added that currently there is no striping on Washington Avenue. **Councilor Merrill** stated that the City already has a shortage of parking and asked how often the grant is available. **Director Grimm** stated the grant is available every two years. **Councilor Merrill** stated there is a need for more public involvement and no need to pass the resolution until that is done. **Mayor Boyd** stated that the City is only applying for the grant and may not be chosen to receive it. He stated if the City does receive the grant and finds that the plan doesn't work or there is not community support the City could then not accept the grant.

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He stated that applying for the grant is not irreversible and allows the City to have a place holder for the funds. **Councilor Merrill** stated he understood Director Porter to say that applying for the grant was not a good idea if there was a good possibility the plan might need to be changed. **Director Porter** clarified that he did feel the City should apply for the grant and bring the Urban Renewal Plan into alignment if the grant is given to the City.

**Councilor Bell** asked if there is any feedback on the likelihood that the City will receive the grant. **Director Grimm** stated he feels there is a good chance the City will be chosen to receive the funds. He added that it is a good way for the City to get \$500,000 worth of street improvements. **Councilor Bell** asked if the City would need to be concerned with a perception by ODOT that there is a certain “flake factor” to applying and then changing or refusing the grant. She asked if it would damage the relationship between the City and ODOT. **Director Grimm** stated that he felt that ODOT would respect the City’s position.

*The motion carried with a vote of four to one with **Councilor Merrill** voting in opposition of the resolution.*

**Councilor Kellstrom** stated he voted in support of the resolution but wanted to note that it was with reservation and asked that the City look very seriously at the project before moving forward if the grant funds are allocated to the City.

**Councilor Weed** excused herself from the remainder of the meeting at 7:55 p.m. but asked that the Council consider why the Blues Festival caused so much comment and stated she thought it was louder than other festivals. She stated she felt it was a great event but the Council should insure that future events do not impact citizens with their noise level.

**E. Discussion and Consideration of Resolution No. 2008-17: A RESOLUTION AMENDING THE PAY PLAN CLASSIFICATION FOR THE CITY OF SISTERS**

**Finance Director Young** explained that the resolution was to change the wage scale to reflect the three percent cost of living (COLA) increase to all city employees that was approved with the FY 2008-09 budget. She stated if the resolution is approved the COLA increase will take place effective July 1, 2008.

***Councilor Merrill** moved to approve Resolution No. 2008-17 to amend the pay plan classification for the City of Sisters. **Councilor Bell** seconded the motion. The motion carried unanimously.*

**F. Discussion and Consideration of a Motion to Award a Bid to Hap Taylor and Sons dba Knife River in the Amount of \$233,240 for the Highway 20/East Cascade Avenue Intersection Re-alignment Project**

**Director Grimm** stated that staff and the City Engineer recommended Knife River be awarded the bid for the Highway 20/East Cascade Avenue as the apparent low bidder. He stated the re-alignment was a condition of approval from ODOT with the development of the civic center campus.

*Councilor Merrill moved to award a bid to Knife River in the amount of \$233,240 for the Highway 20/East Cascade Avenue re-alignment project. Councilor Bell seconded the motion. The motion carried unanimously.*

**G. Discussion and Consideration of a Motion to Award a Bid to Robinson and Owen Heavy Construction in the Amount of \$26,734.38 for the South Elm Street Improvements**

**Director Grimm** stated that seven bid packages were sent out to local contractors and four bids were received back. He stated that staff recommends the Council award the bid to Robinson & Owen Heavy Construction, the apparent low bidder. He stated the project will be funded with urban renewal funds.

*Councilor Kellstrom moved to award a bid to Robinson & Owen in the amount of \$26,734.38 for the South Elm Street improvements. Councilor Merrill seconded the motion. The motion carried unanimously.*

**H. Discussion and Consideration of a Motion to Extend the Habitat for Humanity Lease for the Old City Hall for Three Years**

**Director Young** asked if there were any questions regarding the lease agreement. **Mayor Boyd** asked if City Attorney Bryant had written the addendum and **Attorney Bryant** stated he had.

*Councilor Kellstrom moved to extend the Habitat for Humanity Lease for the old City Hall for three years. Councilor Merrill seconded the motion. The motion carried unanimously.*

**VI. OTHER BUSINESS**

**A. Community Grant Allocations**

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**Mayor Boyd** tabled the vote on Community Grants until the next regular Council meeting when Councilor Weed will be present to vote since Councilor Kellstrom and Councilor Bell have a conflict of interest with regard to the Community Grants.

B. Planning Commission Appointments

**Mayor Boyd** recommended David Gentry, Andrew Gorayeb and Nik Goertzen to serve on the Planning Commission. **Councilor Merrill** and **Councilor Kellstrom** moved to approve the recommendations. **Councilor Bell** stated she was unfamiliar with any of the individuals and had no comment.

VII. MAYOR/COUNCILOR COMMENT

**Mayor Boyd** stated he had heard from a number of residents in the Coyote Springs neighborhood concerned with the possibility of relocation of the Sisters Community Garden on City property leading to the wastewater treatment plant that runs through the Coyote Springs neighborhood. He stated in order to not have a situation similar to the Cliff Clemens Park scenario he is suggesting that the Council inform the Community Garden Board that the only City property available is the Sisters Overnight Park area. The **Council** agreed.

**Councilor Merrill** questioned if the Community Garden would be required to have a backflow device and **Director Grimm** stated a backflow device and water meter would be necessary. He stated that the Community Garden could easily tap into the current sprinkler system. **Council Bell** asked if the property would be given in perpetuity to the Community Garden and what would happen if the City decided it needed the property. **Mayor Boyd** stated that there is nothing set up at this time and details would be worked out if the garden relocates to the park. **Councilor Bell** stated she feels the City should require some requirements to winterize the garden as it would be visible from Highway 20. **Councilor Merrill** stated there should be some type of legal document to protect the City and **Attorney Bryant** stated there would be a document to work out all the details and to negotiate for the site. **Mayor Boyd** asked staff to communicate to the Community Garden Board the decision to only offer the overnight park as a possibility for relocation.

**Mayor Boyd** stated he wanted the Council to have an opportunity to discuss the Blues Festival. **Councilor Bell** stated she could hear the music quite clearly at her home on the opposite end of the City but when she was at the festival the music did not in fact seem overly loud.

**Councilor Merrill** stated the volume of the music was beyond belief and many community members complained about the noise level particularly the bass. He stated the City has a noise ordinance and it needs to be enforced but it is difficult for the Sheriff's Department, as

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in this case, the City had approved the event. He stated that events that typically take place in the Village Green Park have always taken place in a tent which helps to muffle some of the volume and that Creekside Park is probably an inappropriate venue for an event of this nature.

**Mayor Boyd** stated he felt the Council has three choices; 1) leave the event as is and allow it again next year, 2) not allow the event next year or 3) work with the event promoter on a compromise that requires a certain decibel level. He stated he also heard from individuals stating that the noise level was fine for one day and night but three days and nights was excessive. He stated the volume from this particular event seemed to travel over a great distance in the City.

**Director Young** stated she would look into the noise ordinance. She stated the City requires a special event permit and deposit and this will allow staff to meet with the promoter prior to a refund to address the issues that were brought up regarding the event. **Mayor Boyd** suggested the City come up with a specific recommendation regarding the sound level.

**Ms. Rodrigues** stated it was the amplification of the bass and drums that was so bothersome and that when she called the Sheriff's Department she was informed that the only issue the Sheriff's Department could enforce was if the event ran past the 10:00 p.m. time listed on the event permit. She added that the event ran over the allowed time each evening.

**Councilor Kellstrom** stated the event should end at 10:00 p.m. but he does not want to not allow it again as a lot of people really enjoyed it. **Mayor Boyd** stated that a compromise can be reached before next year and if complaints continue then the Council can re-evaluate. He requested staff inform the promoter of the concerns raised by citizens.

**Councilor Bell** informed the Council she will not be in attendance at the workshop of July 17<sup>th</sup>.

**VIII. ADJOURN** – 8:30 p.m.

Respectfully submitted,

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Kathy Nelson, City Recorder

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Brad Boyd, Mayor