

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

MEMBERS PRESENT:

Bill Merrill Councilor President
Lon Kellstrom Councilor
Sharlene Weed Councilor
Shawna Bell Councilor

ABSENT:

Brad Boyd Mayor

GUESTS:

Ryan Houston Executive Director, Upper Deschutes Watershed Council
Mathias Perle Project Manager, Upper Deschutes Watershed Council

STAFF PRESENT:

Eileen Stein City Manager
Lisa Young Finance Director
Brad Grimm Public Works Director
Eric Porter Comm. Dev. Director
Laura Lehman Associate Planner
Kathy Nelson City Recorder

The meeting was called to order by Council President Merrill at 8:00 a.m.

1. Whychus Creek Stream Restoration Plan

Ryan Houston, Executive Director of Upper Deschutes Watershed Council (UDWC) stated that he and Mr. Perle were in attendance to provide an update on the Whychus Creek Stream Restoration Plan project and answer any questions for the Council. He stated that a team consisting of UDWC, a watershed consultant and the Whychus Advisory Team (WAT) have drawn together and begun working on the project. He stated that in particular he wanted the Council to be made aware of an upcoming community meeting. He stated the team is developing a plan to balance the needs of the creek with the needs of the community and affected homeowners.

Mr. Houston stated that with the reintroduction of salmon and steelhead into Whychus Creek there are increased regulations but also federal and grant funds available to help protect them. He stated this provides a good opportunity for a collaborative situation. He stated that restoration needs include habitat restoration, screening on diverted streams to provide safe passage for fish, streamflow and water quality improvement, as well as the collection of information, synthesis and dissemination of that information to all involved parties. **Manager Stein** asked what type of assistance UDWC could provide with regard to installing a fish screen on the Uncle John Ditch. **Mr. Houston** stated that the organization has funds available to develop solutions and assist with the design and installation of the solutions.

Mathias Perle, UDWC Project Manager stated that many issues are tied to Whychus Creek as it is a dynamic, flashy system. He stated that characteristic coupled with development within and adjacent to the floodplain, erosion, confinement and sediment transport have led to additional

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

concerns. He stated that opposed to individual “fixes” by individual homeowners the community plan will seek a long-term integrated plan to address these issues. He stated the plan will work to break the cycle by working with what is available and by planning holistically. He stated that there are still many good opportunities downstream of Highway 20 to provide improvements to the streams health. He stated by applying technology and approaches that have worked for other communities the plan will promote options that slow stream velocity which in turn balances sediment transport, facilitates vegetative growth and helps to protect existing property and stream function. **Mr. Perle** stated that one of the conditions not considered previously with regard to Whychus Creek is the channel migration zone (CMZ) to determine where the stream might migrate in the future and develop ordinances that protect both the floodplain and the CMZ.

Mr. Perle provided an outline of the project and stated that currently the project is in the assessment stage. He stated that includes assessments on hydrology, soil, erosion, fish and wildlife habitat, development and channel migration. He stated this phase will include three public meetings. He stated that homeowner that sit in the floodplain will receive special notice of these meetings.

Councilor Merrill asked what the area of study for the project is. **Mr. Mathias** stated it includes approximately four miles of Whychus Creek that runs through Sisters both upstream and downstream. He stated the information collected will be used to evaluate opportunities and constraints to produce a list of projects and policy level actions that can be implemented. He stated that policy level actions will strive to provide incentive plans to homeowners to protect the creek and help to identify available grant funds. **Mr. Mathias** showed an example of what was done from another project in order to give the Council an idea of how a project can look like upon completion.

Councilor Merrill asked what the legal implications are with regard to homeowners whose property line goes to the center of the creek. **Mr. Houston** stated that it is UDWC’s intention to provide a variety of solutions to homeowners but not to strong arm anyone to do anything.

Councilor Bell stated that at a minimum the Council needs to adopt ordinances that protect the creek from further harm. **Councilor Weed** stated that lots that sit on the creek bed that are not yet developed could also have some additional requirements attached to them prior to development. **Councilor Merrill** stated that some changes have already been added to the Development Code and **Associate Planner Lehman** stated that new floodplain language adopted last July provides huge improvements by requiring greater setbacks from the creek.

Mr. Houston stated that a floodplain zone defines what can be done in that zone and that the issue of channel migration identifies where the floodplain can move to. He stated that in some communities an erosion hazard zone has been developed adjacent to the floodplain in anticipation of what could occur with floodplain migration.

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

Mr. Mathias invited the Council to the first community meeting taking place on September 10th, provided the project website that provides detailed information on the project and includes an opportunity for providing feedback regarding the issue on the website and contact information for the UDWC.

Manager Stein asked about irrigation points such as the Leithauser irrigation canal diversion point. **Mr. Perle** stated he has met with the family and is working towards ultimately not having an irrigation channel at all. He stated that for now he is working to having a fish screen installed but does not want to invest a great deal of money in the project if in five years the dam no longer exists. He stated he has met with Oregon Department of Fish and Wildlife representatives and they have informed him that there are two channels that flow around the dam, that while not ideal, do provide a channel for fish to move somewhat.

Manager Stein asked about any conversations the UDWC has had with the Three Sisters Irrigation District relative to Uncle John Ditch and asked if there was discussion about combining the two. **Mr. Mathias** stated that in his conversations with representatives of the Three Sisters Irrigation District they have indicated that there is land being irrigated by the Uncle John Ditch that will be brought into the boundary of Three Sisters Irrigation District and when that transfer occurs, the point of diversion will be changed. **Manager Stein** stated that is the Three Sisters Irrigation District's desire but not necessarily the City's. She stated that with regard to irrigating Lazy Z with effluent and the upcoming Endangered Species Act risk assessment the City will need to determine if the costs merit the benefits. She stated the City takes the most water from the Uncle John Ditch but there are five other properties that use the water also. She added that she also wanted the Council to note that one of the proposed project areas to slow stream velocity is that area of the creek that runs through the City's Overnight Park and Creekside Park.

Council President Merrill thanked Mr. Houston and Mr. Perle for their presentation.

2. Preview 09/11/08 Meeting Agenda

Manager Stein stated that Scott Aycock from Central Oregon Intergovernmental Council (COIC) will be in attendance at the workshop meeting to provide an overview of the regional transportation plan relative to the use of the Central Oregon Council on Aging (COCOA) van. She stated he will also provide a status report on the Sisters Senior Center feasibility study and that he will report plans for a senior center will move into the Community Facilities Master Plan.

Manager Stein stated that the regular meeting will bring to the Council a request from Merry Ann Moore to support a resolution objecting to the conversion of Aspen Lakes subdivision to a destination resort. She stated that Deschutes County Planning Commission and Deschutes County Planning staff are recommending denying the application but it appears that the Deschutes County Commissioners might reverse that decision and support the application.

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

Council President Merrill reported that Mayor Boyd spoke with Merry Ann Moore and agreed to speak against the conversion of Aspen Lakes into a destination resort. He stated the Council needs to decide if they are in agreement with Mayor Boyd so it can be determined if he will be testifying as a private citizen or as a representative of the City. He distributed a copy of a report from Merry Ann Moore and requested that the Council read it in order to be apprised of her concerns.

Councilor Weed stated the Council also needs to consider that the Legislature is looking at the impacts that destination resorts have on jurisdictions and that the resorts are not required to mitigate those impacts. She stated that she is hoping that the County's decision will be postponed until after those findings.

Councilor Bell stated that when the Council weighed in on proposed Jefferson County destination resorts without full Council concurrence, that relationship was damaged. She stated she wants to insure that the Council handles this issue with professionalism to continue the good relationship the City shares with Deschutes County. **Manager Stein** stated that representatives from Aspen Lakes also want to present information to the Council to present their side and suggested that if the Council is going to take a stance on the issue that they hear from both sides.

Councilor Weed suggested that information from the Aspen Lakes developers be included in the Council packet. **Councilor Bell** stated that the possibility of Aspen Lakes becoming a destination resort is not all bad for merchants and that needs to be weighed with the increased traffic volume issues that the resort will bring. She stated she wants to receive information on Aspen Lakes also. **Manager Stein** stated that representatives from both sides can address the Council at the regular meeting and that the Council does not necessarily need to adopt a resolution if they do not choose to. **Councilor Weed** stated she feels there are also some concerns with regard to Whychus Creek that will need to be addressed is the resort is allowed.

Council President Merrill stated he would prefer to not have a resolution and have the Council talk about the issue and decide if they want Mayor Boyd to speak as a representative of the City or not. **Councilor Weed** stated she would prefer to have a resolution ready in case the Council decides it wants to send a stronger statement. **Manager Stein** stated she will suggest to representatives from both sides that they speak to the Council under visitor communication at the regular meeting. **Councilor Bell** requested that Manager Stein ask Aspen Lakes representatives to address transportation issues. She also asked that the resolution be more generic in nature so that it does not appear that the Council has already predetermined their decision regarding the matter prior to hearing from both sides.

Manager Stein informed the Council that the first reading of the ordinance regarding the High County Enterprise LLC refuse franchise will take place at the meeting. She stated the second reading as well as other aspects of the franchise will come before the Council for a vote at the September 25th regular meeting. **Council President Merrill** suggested that the Council plan on attending the joint meeting that the City and High Country Disposal (HCD) will conduct on September 8th for informational purposes. **Manager Stein** stated that comments sheets will be

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

available at the meeting and that she will provide a summary of those comments back to the Council. **Councilor Bell** requested that the comments be tracked by whether the individual commenting lives inside or outside city limits, whether they own a business, own property or live in Sisters and whether they favor the proposed franchise. The other **Council** members agreed.

Manager Stein provided an overview of two contract addendums from DKS & Associates and GSI Water Solutions Inc. **Manager Stein** stated she needs to determine what the total cost of fish and water will be to the City. **Councilor Weed** asked that information be included that lines out the dollar amounts the City has spent for each project, what it covers and what else might be forthcoming.

3. City Manager Update

Manager Stein referred the Council to the letter that Mr. Dumas wrote criticizing the Council for granting community funds to Sisters Organization for Activities and Recreation (SOAR). She stated she had checked with the City Attorney and been assured that the practice of providing community grants is well within the Council's prerogative. **Council President Merrill** stated that the questions raised in the letter is if the Council should be giving community grants to anyone. **Manager Stein** stated that is a Council policy decision.

Manager Stein reported that letters from the City regarding needed sidewalk repairs with the estimated costs to have the repair work done have been sent to property owners that have not responded to the City's request for repairs thus far. She stated the letters inform the property owner that if work is not completed the City will perform the needed repairs and lien the property.

Manager Stein informed the Council that the measure regarding the annexation of the 13 acres at the wastewater treatment plant that was to go to a vote at the general election will not take place. She stated that the County Clerk informed the City that there was a need to publish the ballot title and allow citizens to appeal the title for seven business days prior to it being able to be placed on the ballot.

Manager Stein reported on a conversation she'd had with District Ranger Bill Anthony about why the Forest Service property did not receive any bids while it was on the market. She stated he attributed the failure of bids to four main reasons; 1) real estate depression, 2) difficulty in getting commercial loans, 3) uncertainty as to what a buyer would be able to do with the property and 4) the property was priced too high. She stated the Forest Service has not determined its next step with regard to the property.

Manager Stein stated that she will be answering additional questions from Councilor Weed related to the HCD franchise after the workshop and invited the other Council member to stay if they had additional questions or concerns. **Councilor Kellstrom** asked if the franchise agreement allows the City to audit the financial statement of HCD yearly. **Council President Merrill** stated

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
SEPTEMBER 4, 2008

that each May, HCD will bring financial information to the City and that is when HCD will ask for an increase or decrease to rates. **Councilor Kellstrom** stated that the financial statement needs to be audited. **Finance Director Young** stated that the information received can be analyzed. **Councilor Kellstrom** stated he would prefer that it be audited and that language be added to the contract to that affect. **Manager Stein** stated she would look into this.

Council President Merrill stated he was following up with staff on the status of weed abatement. **Community Development Director Porter** stated that there has been a 40% to 45% compliance response to the letters the City sent out. He stated the City has also been contacted by many property owners stating that the contractors that perform weed abatement are currently out fighting forest fires and unavailable. He stated they have asked the City for some leniency to get the weed cut down which the City has granted.

Councilor Bell voiced concern that some businesses in the downtown core are looking shabby and in need of paint and asked if there is an ordinance that requires a certain level of maintenance be required. **Director Porter** stated there is not an ordinance but the City can send a letter asking that an effort to improve the structure be made.

Manager Stein reported that the necessary construction permit from the Oregon Department of Transportation (ODOT) to begin the East Cascade re-alignment project should be issued today and that work will commence as soon as it is issued.

Public Works Director Grimm reported that the speed study the City requested from ODOT along Highway 20 in proximity to the Barclay Street intersection has been completed and he had just received the report. He stated he had not had an opportunity to analyze the report yet and will provide a report to the Council as soon as he has.

Director Grimm stated that the Highway 242 bike path will be graded and compacted gravel laid but the paving will not be completed by ODOT until spring.

The meeting was adjourned at 9:54 a.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor