

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
FEBRUARY 12, 2009

MEMBER PRESENT:

Lon Kellstrom Mayor
Bill Merrill Council President
Sharlene Weed Councilor
Pat Thompson Councilor
Jerry Bogart Councilor

STAFF PRESENT:

Eileen Stein City Manager
Steve Bryant City Attorney
Eric Porter Comm. Dev. Director
Brad Grimm Public Works Director
Kathy Nelson City Recorder

ABSENT:

Lisa Young Finance Director

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

II. VISITOR COMMUNICATIONS

Brian Witt 16872 Royal Coachman, Sisters, OR

Brain Witt stated he was in attendance to speak on the Sisters School District Local Option Tax Levy and ask the Council for support of the measure on the March 10, 2009 ballot. He stated the local option provides substantial benefit for the schools, students and community. He stated Sisters students stay in school and have one of lowest drop-out rates in the state along with one of the highest graduation rates. He stated that 82% of Sisters High School students participate in extra-curricular activities. He stated that Sisters School District tops all other Central Oregon cities in meeting or exceeding state testing standards and all the schools have met the federal assessment goals. He stated the reputation of the schools is why many families move to Sisters and in turn contribute to the vitality of the local economy.

Councilor Weed asked how serious a situation the School District will be in if the levy fails and how it will impact the education of students. **Mr. Witt** stated there have already been cuts made this year with additional cuts planned for spring. He stated if the levy fails it will mean a 9% reduction in the budget and there will be substantial cuts across the board with the School Board needing to make some very hard decisions.

Todd Dow, High Desert Gallery 281 W. Cascade Avenue, Sisters, OR

Todd Dow distributed a memo to provide a status update on three issues of concern he has brought before the Council or staff at an earlier time. His update included:

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1) *City withhold transient room tax funds from the Chamber of Commerce until a marketing plan (both short and long term) have been created.*

Mr. Dow stated the appointment of Erin Borla as the new Director is a great benefit to the Chamber of Commerce and the promise of the Chamber moving forward. He stated there is a commitment by the Chamber of Commerce to provide budget and marketing plans in the near future but requests the City still withhold the transient room tax funds until a time when those plans have been completed.

2) *Request to rescind the Special Event Permit for the arts and crafts Street Fair to be held July 25-26th.*

Mr. Dow stated that the City declined his request to rescind the event permit to be held on Oak Street and so he has worked directly with the Oregon Department of Transportation (ODOT). He stated he is requesting a set-back of 25 to 50 feet on Oak Street from Highway 20 for pedestrian and vehicle safety. He stated he is awaiting a response from ODOT.

3) *Review sign permit ordinances and enforcement of those ordinances through education.*

Mr. Dow asked the Council to provide Community Development Director Porter with the resources necessary to review the ordinances and staff to work with the Chamber of Commerce on educating businesses and merchants in town on the sign ordinances. He stated this will not only make the downtown core look more attractive, it will insure that businesses do not invest in signage that does not comply with the ordinances. He asked that businesses be required to be compliant prior to May 15th before the summer tourist season begins.

Councilor Weed informed Mr. Dow that the Council has discussed the situation at the Chamber of Commerce at a previous meeting and decided to have the Mayor and Manager Stein meet with Chamber leadership to let them know there are concerns. She stated the entire Council will meet with the Chamber Board prior to the next payment of transient room tax in April. **Mayor Kellstrom** stated he was aware that Manager Stein has had some meetings with Director Borla. **Mr. Dow** stated that was encouraging and stressed the need for the City and Chamber to meet at least twice a year. He thanked the Council for the time allowed to speak.

III. CONSENT AGENDA

A. Minutes

1. January 15, 2009 – Workshop
2. January 22, 2009 – Workshop
3. January 22, 2009 – Regular Meeting

4. January 29, 2009 – Joint Meeting with County Commissioners

B. Bills to Approve

1. February Accounts Payable

Councilor Merrill moved to approve the consent agenda with the changes noted in the minutes of January 15, 2009. Councilor Weed seconded the motion.

Councilor Weed asked for clarification on the invoice from HD Fowler Company in the amount of \$1,816.88 for the Overnight Park. **Public Works Director Grimm** explained it was for sewer and water pipe for the improvements being made to convert some of the sites at the Overnight Park to full hook-up sites.

Councilor Weed asked for clarification on the invoice from Ranch Country Outhouses in the amount of \$140 for a portable toilet. **Director Grimm** explained that the pump for the toilet at the Treatment Plant went out and while it is being rebuilt a temporary outhouse has been placed at the treatment plant.

The motion carried unanimously.

IV. STAFF REPORTS

A. Eileen Stein, City Manager

Manager Stein asked for questions on her staff report.

Councilor Weed questioned whether approval is needed from the Community Action Team of Sisters (CATS) Board to use the grant money left from the Ford Family Foundation to update the Sisters Economic Development Strategic Action Plan. **Manager Stein** stated the CATS Board has already discussed the matter and given its approval for the funds to be used for this purpose.

B. Captain Tim Edwards

Captain Edwards reported on the number of patrol hours provided, incidents, citations, warnings and business checks.

Councilor Weed noted there were a number of incidents on Arrowleaf Trail and asked if there was an explanation. **Captain Edwards** stated that the Sheriff's Department feels that many of the incidents can be attributed to a transient camp on the west end of the City in the

forest. He stated the Department is getting ready to take criminal action against the group of transients.

V. COUNCIL BUSINESS

A. **Public Hearing and Consideration of Ordinance No. 384:** AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE DEVELOPMENT CODE TO STRENGTHEN ENFORCEMENT RULES, CLARIFY DENSITY BONUS AND AMEND THE TIME AND DURATION FOR PERMIT APPROVALS AND EXTENSIONS AND DECLARING AN EMERGENCY

Community Development Director Porter stated that staff has begun updating inconsistencies in the Development Code and that the three items included in this ordinance are more time sensitive than others and therefore were grouped together for adoption. He stated the ordinance includes;

1. *More Specific enforcement verbiage for construction that occurs without permits*

Director Porter stated last year there were four incidents where no permits were applied for and this language, provided by the Building Department, will make it clearer and easier for staff to cite and fine violators.

2. *Longer approval and extension time frames due to the economic downturn*

Director Porter stated that presently the City has very limited time frames for completion of phased developments. He stated the City has received multiple requests from developers to increase these time frames for approved developments or those developments in process. He stated staff is recommending longer time frames to accommodate the economic downturn with two years per phase allowed with a cap of eight years for a four phase development. He stated these extensions would only apply to development in the commercial and highway commercial zones.

3. *Clarification of the density bonus for affordable housing*

Director Porter stated that a year ago the Council was asked to interpret the density bonus and whether it applies to smaller lots being created. He stated while the Council gave temporary approval at that time, the issue has come up again. He stated adoption of the ordinance will allow lot size reduction for qualified affordable housing providers.

Mayor Kellstrom opened the public hearing and asked if there was anyone wishing to speak on the matter. As there was no one wishing to speak the public hearing was closed.

Councilor Merrill moved for the first and second reading, by title only, of Ordinance No. 384. **Councilor Bogart** seconded the motion. The motion carried unanimously.

City Attorney Bryant read Ordinance No. 384 by title only, twice.

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Councilor Merrill moved for approval of Ordinance No. 384. Councilor Bogart seconded the motion.

Councilor Weed stated that with regard to the change in the enforcement verbiage for construction permits it was not clear to her that it is a Class C infraction. **Director Porter** stated the section of the chapter that identifies it as such was not included in the staff report. **Councilor Weed** asked who receives the money when a developer is fined. **Director Porter** stated a judge will determine the amount of the fine, up to \$500 depending on the severity of the infraction, and the court system will receive the funds.

Councilor Weed stated she is uncomfortable with putting code in place without a recommendation from the Planning Commission with regard to longer approval and extension time frames for development. She stated she hopes the Planning Commission will have an opportunity to study the Development Code change in depth and have an opportunity to have any questions answered. **Director Porter** stated a review by the Planning Commission is planned.

Councilor Weed announced her potential conflict of interest with regard to the density bonus portion of the ordinance as she is an employee of Habitat for Humanity and Habitat for Humanity will likely take advantage of the density bonus.

The motion carried unanimously.

Mayor Kellstrom stated the ordinance is immediately in effect.

B. Public Hearing and Consideration of a Motion to Call-up a Planning Commission Decision on the Land Use Application for Black Butte Crossing

Director Porter stated that the Development Code for the City allows the City Council to call up a decision made by the Planning Commission which acts as an appeal. He stated in this case the Planning Commission agreed to a condition of approval for the Black Butte Crossing development that on later review by the City Attorney appears to be beyond the authority of the Planning Commissions. He stated the Planning Commission is asking the Council to impose the newly adopted Ordinance No. 384 extensions to the Black Butte Crossing development to be consistent with the initial decision made by the Planning Commission.

Tia Lewis, Attorney with Swabe, Williamson & Wyatt, 549 SW Mill View Way, Bend, OR 97701

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Tia Lewis, attorney for the applicant, thanked the Council for its time this evening. She stated with the unanimous emergency adoption by the Council of the ordinance to extend time frames for development she asks that the Council support staff's recommendation to impose those newly adopted measures to the Black Butte Crossing development.

Councilor Weed asked that once the development has final approval when will financing become available and when will construction begin.

Brent Keyes, 1750 SW Harbor Way, Ste 310, Portland, OR 97201

Brent Keyes, Black Butte Crossing developer, stated he is in the midst of completing the financing package. He stated he will be working with ODOT to resolve the issue of a signal for the Highway 20/ Locust Street intersection before starting the street improvements.

Mayor Kellstrom closed the public hearing.

***Councilor Merrill** moved to approve the amendment of Condition 3 of file no. SP-08-04.04 /SUB that was approved by the Planning Commission. **Councilor Bogart** seconded the motion. The motion carried unanimously.*

C. Discussion and Consideration of Resolution No. 2009-XX: A RESOLUTION SUPPORTING THE CITY OF SISTERS GRANT APPLICATION TO THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) AND THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD) FOR THE PREPARATION OF A SPECIAL TRANSPORTATION AREA (STA), ACCESS MANAGEMENT PLAN AND DOWNTOWN PLAN

This item was pulled.

D. Discussion and Consideration of Resolution No. 2009-02: A RESOLUTION TO ENDORSE SISTERS SCHOOL DISTRICT LOCAL OPTION TAX LEVY MEASURE 9-69 ON THE MARCH 10, 2009 BALLOT

***Councilor Merrill** moved to approve Resolution No. 2009-02 to endorse the Sisters School District Local Option Tax Levy. **Councilor Weed** seconded the motion.*

Councilor Weed stated that in information she has received regarding economic development one of the factors that makes businesses more likely to locate in a particular

city is if that city consistently passes school levies. She stated that support of this tax levy will not only help the schools but the economic health of Sisters.

The motion carried unanimously.

E. Discussion and Consideration of a Motion to Accept an Easement from Richard Mittry/Mittry Farms Trust for Public Access to Cluster Mailboxes

Director Porter stated the City had the opportunity to get an easement on private property for the purpose of placing commercial cluster mailboxes on Pine Avenue, the only space not yet installed. He stated the property owner was agreeable to granting the easement and did not request any reimbursement. He stated the acceptance of the easement by the Council is the last step in allowing installation of the five banks of cluster mailboxes.

Councilor Merrill moved to accept the easement from Richard Mittry/Mittry Farms Trust for public access to cluster mailboxes. Councilor Weed seconded the matter. The motion carried unanimously.

VII. OTHER BUSINESS

A. Oregon's Sesquicentennial Proclamation

Mayor Kellstrom read a proclamation declaring February 14, 2009 as the State of Oregon's sesquicentennial (150th birthday).

B. Small Cities Allotment (SCA) Grant

Manager Stein stated the City received notice from ODOT of being selected for a SCA grant. **Director Grimm** stated the \$25,000 grant was to complete the sidewalks on East Cascade Avenue near Sisters Elementary School. He stated if the Council approves acceptance of the grant a signed intergovernmental agreement with ODOT will allow the City to proceed with the construction.

Councilor Merrill moved to approve the \$25,000 SCA grant from ODOT for construction of sidewalks on East Cascade Avenue. Councilor Weed seconded the matter. The motion carried unanimously.

VII. MAYOR/COUNCILOR COMMENT

A. Committee Reports

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Councilor Thompson reported on the Central Oregon Intergovernmental Council (COIC) meeting he attended.

Councilor Weed stated she noticed there are several trees down on the Lazy Z property and asked what staff is planning on doing to address the downed trees. **Director Grimm** reported that Public Works staff is waiting for the ground to freeze or dry out before proceeding with the trees removal. He stated he is working with a stream restoration group to see if some of the root wads and trees can be donated to assist with stream bank stabilization.

Mayor Kellstrom reported that he and Manager Stein attended the Central Oregon Cities Organization (COCO) meeting. He stated that ODOT Regional Director Bob Bryant spoke on economic stimulus projects. He stated the League of Oregon Cities (LOC) continues to closely follow several serious water issue bills before the legislature. He stated there was also discussion on clarifying the Transportation Planning Rule (TPR).

Councilor Weed asked for an update on the Metolius Basin debate and if the Council will be adopting a resolution with regard to the matter. **Manager Stein** stated staff had met with members of the Department of Land Conservation and Development (DLCD) earlier in the day. She stated the final public hearing regarding whether or not to designate the Metolius Basin as an area of critical concern will take place on March 11th. She stated a second draft of the proposed management plan will be available from DLCD prior to February 26th but not likely by the February 19th Council workshop. She stated the March 5th Council workshop could be changed to a special regular meeting in order to give the Council an opportunity to take action on the matter if it chooses.

VIII. ADJOURN – 7:53 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Lon Kellstrom, Mayor