

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 27, 2009

MEMBERS PRESENT:

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

PLANNING COMMISSION:

Dave Gentry Chair
Daryl Tewalt Commissioner
Ed Protas Commissioner
Michael Preedin Commissioner

ABSENT:

Alan Holzman Commissioner
Dominic DeBari Commissioner
Chuck Humphreys Commissioner

STAFF PRESENT:

Brad Grimm Public Works Director
Eric Porter Comm. Dev. Director
Kathy Nelson City Recorder

ABSENT:

Eileen Stein City Manager
Lisa Young Finance Director

GUESTS:

Mathias Perle UDWC
Joanne Richter Watershed Prof. Ntwrk.

The meeting was called to order by Mayor Kellstrom at 6:00 p.m.

A. Whychus Creek Management Plan

Mathias Perle, Upper Deschutes Watershed Council (UDWC) Project Director, began his power point presentation with a quick overview of the management plan background identifying bank erosion, the naturally dynamic flow of Whychus Creek, development patterns and past fixes that have made problems worse as the four main problems facing the creek. He discussed the reasoning behind the current desire to work by providing a holistic approach to issues facing Whychus Creek, especially with the reintroduction of salmon and steelhead, and increased regulatory requirements. He explained how the plan was developed and provided a summary of the 52 proposed restorations and management actions which include bank stabilization, berm modification, habitat enhancement and structural improvements. He stressed the importance of collaboration with the affected property owners for the plan to be successful.

Mr. Mathias stated Action 31 is slated as the first project because a number of homeowners along that portion of creek have requested assistance from the City, UDWC, Department of Fish and Wildlife and other agencies as their banks have actively eroded and many contiguous properties are at risk. He explained that the Watershed Professionals Network, LLC came up with the conceptual design. He stated a request for proposal (RFP) for the final design has been sent out and the decision on which company will be chosen is underway and will need to take into consideration the two bridges located within that particular stretch of the creek. He stated hydraulic modeling will be used at an estimated cost of \$150,000. He stated in this very

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preliminary phase of the design, the assumption is the City will participate by contributing \$30,000, homeowners will contribute \$20,000 and the remaining \$100,000 will be in grant funds.

Councilor Weed asked how many homeowners are affected in Action 31. **Mr. Perle** stated there are approximately 30 to 40 tax lots involved. He stated an initial meeting with landowners has taken place and a follow-up meeting is planned to discuss the final design phase. He stated the final engineering design will also include a cost estimate to implement the plan, with a preliminary estimate of \$1 million or more. He stated the implementation will require another round to identify funding sources.

Joanne Richter, Watershed Professionals Network, LLC Project Manager, began her presentation which dealt with the policy level of the management plan. She stated it was important that the scientific recommendation given in the plan match with the social, political and policy framework of the City. She stated one goal was to bring the City's Comprehensive Plan and Development Code chapters into compliance by using language from the *Water Quality Model Code and Guidebook*.

Ms. Richter stated the Comprehensive Plan recommendations deal with Goals #5, #6, #11 and #12 by adding additional or modified language to provide better protection for the creek banks, riparian areas and nearby properties. Additional recommendations included adoption of the *Central Oregon Stormwater Manual*, maintenance of Whychus Creek floodplain and channel migration zone as well as increasing public awareness of pollution that can affect surface and groundwater quality.

Ms. Richter discussed the recommended changes to the Development Code which included modifying allowable uses in the flood plain, prohibiting the removal of native vegetation on stream banks, prohibiting the dumping of certain materials in the flood plain, adding the Whychus Creek channel migration zone as a sensitive land area and developing a Stream Protection District overlay zone. She stated the district would provide better protection of streamside properties, water quality, increase shaded areas and improve habitat for fish and birds. She stated citizen education will be an important aspect for the recommended changes to be effective.

Mr. Perle continued the discussion by recommending adoption of the restoration and management plan by the City. He stated the adoption could help the City begin the process toward making the recommended changes to the Comprehensive Plan and Development Code.

There was general discussion on what properties are involved and what the Action 31 restorative actions will include. **Councilor Weed** asked Mr. Perle if he was familiar with the bank owned property where the City has been asked to financially contribute to the needed bank restoration. **Mr. Perle** stated he had met with the realtor, engineer and other involved agencies and the preliminary design seems to fit will with the Action 31 designs. He stated that hopefully it will be

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implemented before the October 15th in-stream work timeline. **Community Development Director Porter** stated that other properties will be also benefit from the fix.

Commissioner Tewalt asked what percentage of landowners will need to be supportive of the plan for it to be successful. **Mr. Perle** stated that was a very good question but he was unsure himself. He stated he preferred to be optimistic and assume that all landowners will be supportive of the plan. **Commissioner Tewalt** stated he felt landowner's approval should be obtained prior to spending any money on the project. He added he thought it would be difficult to get financial support from those landowners that are not experiencing any issues at present. **Mr. Perle** stated that is the difficult part of the project as a property owner might not have an immediate need, but needs to realize they could have an issue in the future. **Commissioner Tewalt** asked if after the final engineering design is complete it will change the flood plain and possibly affect property owners. **Mr. Perle** stated the plan will be designed using the existing flood plain and channel migration zone where some homes are currently built but that hopefully in the future no further structures will be built in those areas. He added the UDWC is not trying to change the flood plain; it is trying to protect the existing properties. **Commissioner Tewalt** voiced concern that after the work is performed the Federal Emergency Management Agency (FEMA) could come in and devalue some properties. **Mr. Perle** stated the UDWC can't guarantee what might happen in the future but the plan is trying to stabilize the area to its natural state. **Mr. Perle** stated an overlay of FEMA's current flood plain will match up with the management plan in most areas. He stated the foremost goal is to protect the existing homes.

Councilor Weed asked how UDWC decided what the City should be financially responsible for. **Mr. Perle** stated the amount is actually up to the City to decide and UDWC will continue to work collaborately with the City in obtaining grants. He stated the City has already contributed \$30,000 which in turn allowed the project to receive \$80,000 in grant funds. **Councilor Thompson** stated he agreed with the goals of the plan and felt there is a lot of potential for funding. He asked if the UDWC will be able to help landowners find resources as he felt it will be difficult to get equal funding from the landowners. **Mr. Perle** stated the UDWC will aggressively pursue funding possibilities.

Councilor Thompson brought up the fact that he is uncomfortable with UDWC bidding procedures and wants to see more guidelines to provide priority to local contractors. He stated if local contractors are used it will keep the funds in the community. He stated if the City is going to be a partner then better constraints are needed to give jobs to the tri-area contractors. He asked how the matter will be addressed before the project goes on much farther. **Mr. Perle** stated UDWC discussed the matter with members of the Council previously and realizes it will be a big element of any construction project that takes place in the city. He stated the UDWC is interested in making those guidelines a part of the next phase.

Councilor Weed asked what the next step will be. **Ms. Richter** stated the next step is to adopt the plan and make language changes to the Development Code and Comprehensive Plan. **Director**

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Porter stated if the Council adopts the plan, it will be easier to find grant funding. He added the changes to the Comprehensive Plan and Development Code will occur later. **Commissioner Preedin** stated it would be an advantage to have the City contribution and grant funding in place prior to approaching the landowners to ask for financial support. **Mr. Perle** stated it is always tricky to see which group will contribute first as it is far easier to acquire grant funds if there is already a commitment for a matching funds.

Mayor Kellstrom asked when the RFP had gone out and **Mr. Perle** stated it had gone out mid to late July. He stressed this type of design work is very specialized and that the RFP's would likely include a combination of firms to complete the project.

B. City Manager Update

Due to lack of time there was no City Manager update.

The meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Lon Kellstrom, Mayor