

WORKSHOP MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
SEPTEMBER 24, 2009

**MEMBERS 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  
Brad Grimm      Public Works Director  
Lisa Young      Finance Director  
Pauline Hardie    Senior Planner  
Kathy Nelson      City Recorder

**GUESTS:**

Bill Willits      MMV, LLC  
Curt Kallberg    MMV, LLC  
Jeff England     MMV Development Engineer  
Keith Sampson   Senior Housing Developer

**ABSENT:**

Eric Porter      Comm. Dev. Director

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

A. McKenzie Meadow Village Annexation Agreement (Continued)

**Manager Stein** stated the workshop would continue with the same yes/no format previously used when discussing the provisions for the McKenzie Meadow Village (MMV) annexation agreement. She began where the Council left off at the end of its last workshop.

**Original Additional Provision # 1:** *Should the City require a capacity analysis for infrastructure at the zone change application or the master plan stage dependent on the specific detail provided with the zone change application*

**Councilor Weed** and **Councilor Bogart** stated they were in favor of this provision to require the needs analysis when the appropriate amount of detail was provided.

**Councilor Thompson** stated the City will not have the specifics of what will be built with the zone change application and will only get those types of detail with the master plan. He stated if the developer cannot get the zone change then there will be no need for a master plan. He stated the developer should not be required to perform a capacity analysis unless the zone change is approved.

**Manager Stein** stated the zone change and master plan applications will likely be concurrent. **Jeff England, MMV Development Engineer**, stated the zone change will be more general in scope and the specifics of the development will be identified with the master plan. **Councilor Merrill** stated the language provides flexibility in that it allows the analysis to occur with the zone change or the master plan. **Mr. England** stated he is in agreement with the language as long as it is clear that mitigation measures are not required until the threshold of 131 equivalent dwelling units (EDU) has been surpassed.

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The **Council** agreed with the provision

**Original Additional Provision #6:** *Shall the developer be required to build a park in the development.*

The **Council** agreed there should be a park in the development.

*Shall the City direct the developer on the amenities that are required or shall the developers design and build the park as they see fit.*

**Councilor Bogart** stated Mr. Willits was conducting a poll to see what amenities were desirable and after he has compiled the list he and the staff could work together to determine what will best suit the development. **Manager Stein** asked if that meant he wanted the City to determine the amenities at the master plan phase.

**Senior Planner Hardie** suggested the number of amenities required be tied to the updated language for the Development Code which is expected to be adopted in 2010. She stated 131 EDU's would dictate the developer provide four amenities in the updated code. **Councilor Weed** stated she felt that providing a menu of amenities to be determined at a later time was a good idea.

**Councilor Merrill** stated that if the park is developed as a park for seniors as opposed to a family park, it will need different amenities. He stated reviewing the amenities at the master plan phase provides flexibility and that level of detail is unnecessary at this time.

**Mr. England** stated the issue is whether the park will be a public or a private park. He stated that if the park doesn't end up being a public park then the City should not be the deciding party on which amenities to include.

The **Council** discussed the difference between private versus public parks and park districts. **Manager Stein** stated staff's opinion is that a park is needed on the west side of town and **Public Works Director Grimm** suggested the park should be family friendly so that children visiting the seniors still have some place to play. **City Attorney Bryant** described how a park can be designated as public park with the local homeowners association (HOA) responsible for maintenance.

*Shall the City require the park to be a public park?*

The **Council** agreed to the park being a public park and for amenities to be determined at the master plan phase of development.

**Bill Willits, MMV, LLC** stated he would prefer to commit to amenities but use his own maintenance staff for upkeep as he felt it was more cost effective and efficient even if it is a public

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park. **Manager Stein** asked whether one of the amenities was a restroom and Mr. Willits stated he was unsure at this time. **Director Grimm** stated to not have a restroom at the park would be inconvenient for visitors to the park. **Manager Stein** stated that she could foresee a problem in waiting for the master plan phase of the project with regard to deciding on a restroom. She stated the City would want a public restroom, the developer would not and the homeowners would not want to be financially responsible to build and maintain the restroom. She stated she could see where the maintenance and cleaning could become a point of contention for the HOA.

**Councilor Weed** suggested the City require a restroom in the annexation agreement and let the other three amenities be determined at the master plan level. **Councilor Merrill** stated this makes the assumption that property taxes will pay for the improvements which they do not. **Councilor Thompson** stated he doesn't think the City should be determining this level of specifics in the annexation agreement and should instead make these decisions during the normal land use process. **City Attorney Bryant** explained that the City can request exactions that it cannot normally require during the master plan phase, such as a public restroom so it is important to specify those items the Council feels should be mandatory.

**Mr. England** stated that he felt the discussion had veered off in the wrong direction and the question is not whether there should be a restroom but if the park will be a private or a public park. He stated during the master plan phase a park proposal will be made and if the park meets the City's standards then the City can decide to accept it and maintain it. If the City does not decide to accept the park then it will be maintained by the developer.

**Manager Stein** stated Mr. England's proposal was different from what was being asked in that he was suggesting that instead of the City requiring a public park in the agreement the City will have the ability to opt out of the park being a public park if it wants to. **Mayor Kellstrom** stated that he could see the potential for conflict with a restroom if the park is deemed a public park and the developer is responsible for the maintenance and cleaning of the building. **Mr. Willits** stated he was concerned with security issues surrounding a public restroom. **Mayor Kellstrom** stated he was willing to address the amenities at the master plan phase with an opt out provision if the City decides the park does not meet its standards.

*Shall the City dictate the timing of the park construction or shall it be built at the developer discretion?*

**Mayor Kellstrom** stated he felt the park should be built after the residential units are built. **Mr. England** stated the construction of the park would be a part of the phasing described in the master plan. **City Attorney Bryant** stated the City has extended huge amounts of resources to do an annexation agreement and if the Council is going to let everything be decided at the master plan phase then there is no reason to bother with the agreement. He reiterated that the only provisions that need to be in the agreement are those items on which the City does not want to negotiate.

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**Councilor Thompson** stated the City has spent enormous amounts of time unnecessarily. He stated his concern is the Council is addressing items that will be addressed further down the line. **Councilor Weed** stated that is not what City Attorney Bryant had just said and in the master plan phase the City will have a lot less control.

**Mayor Kellstrom** asked Manager Stein for a recap of decisions with regard to a park. **Manager Stein** reported that so far the Council had decided the decision on whether the park will be public or private and what the amenities will include will both be decided at the master plan phase. She asked the Council again about the timing of the park.

The **Council** agreed that the timing on the construction of the park could occur at the master plan phase.

**Councilor Weed** stated that at the very least she would like to see language added that requires the updated Development Code standards required with regard to the amenities for the park. She stated this is the City's chance to have a public park on the west side of town. **City Attorney Bryant** stated the real question is whether the City wants a public park on that side of town. He stated that language can be included in the agreement to require a public park with restrooms. He stated the fundamental question is whether the Council wants a public park.

**Mayor Kellstrom** stated the question comes down to whether the Council feels the City should have a park on that side of town. He stated the City may not need a park now but it may in the future. **Mr. Willits** stated he is concerned with unlocked restrooms at night. **Director Grimm** explained the City has automatic locks on all the park restrooms that employ a random timing range for when they lock.

**Mayor Kellstrom** asked for the Council's decision on a public park. **Curt Kallberg, MMV, LLC** and **Mr. Willits** confirmed they were willing to have the agreement reflect that a park will be built. **Manager Stein** stated the agreement can reflect that there will be a 30% open space requirement with some portion of that space designated as a park with the number of amenities to be determined by the number of units built. The **Council** agreed to Manager Stein statement.

*Shall the City require bonding by the developer for improvements?*

**City Attorney Bryant** suggested that rather than require bonding the City could add a provision in the Conditions Covenants and Restrictions (CC& R's) that states the park will get constructed and paid for by the developer. If it is not constructed by the developer the City can build the park and privately assess the homeowners for the entire cost to pay the City back. He stated that requiring bonding can cause problems to the developers with selling the properties. He stated this secures the performance without requiring bonding. The **Council** agreed with the suggestion.

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*Shall the City require the developer to compensate the City for the time spent reviewing the agreement, adequacy of the infrastructure and other tasks above the cost of the initial fee of \$3,500 collected for the application?*

**Councilor Bogart** stated the developer should not pay any additional fees. **Councilor Thompson** agreed.

**Councilor Merrill** stated that a lot of staff time and effort has been extended and the tax payers are going to fund the developers in doing this. He stated he feels the developers should pay for their fair share above and beyond the normal process and therefore should be required to pay.

**Councilor Weed** asked if the City knows what the total costs are so far. **Manager Stein** stated that Community Development Director has estimated there has been at least \$6,000 worth of staff time used so far without including her time and only going back only one year. **Councilor Weed** stated she felt that what is past is past but the City should collect for its costs from here on out.

**Mayor Kellstrom** stated he agreed with Councilor Thompson and Bogart that no additional costs should be incurred by the developer.

B. City Manager Update

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

The meeting was adjourned at 7:12 p.m.

Respectfully submitted,

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Kathy Nelson, City Recorder

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Lon Kellstrom, Mayor