

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
APRIL 22, 2010

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
Lisa Young Finance Director
Eric Porter Comm. Devel. Director
Paul Bertagna PW Project Coordinator
Pauline Hardie Senior Planner
Kathy Nelson City Recorder

ABSENT:

Brad Grimm PW Director

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Kellstrom at 7:00 p.m.

II. PROCLAMATION – ARBOR DAY

Mayor Kellstrom read a proclamation declaring April 30th as Arbor Day in Sisters in 2010.

III. VISITOR COMMUNICATION

Paula Drego, AmeriCorps Member

Ms. Drego explained that AmeriCorps is a government service program for young adults from 18 to 24 years of age. She stated the group works as a team to perform service projects and that currently they are working with Camp Caldera.

Melissa, AmeriCorps Member

Melissa informed the Council that the AmeriCorps team was coordinating a community volunteer day for May 8th and invited community members to participate.

Fawn, AmeriCorps Member

Fawn informed the Council that the AmeriCorps team would be painting the Sisters Park and Recreation District (SPRD) building on Saturday beginning at 9:00 a.m. She invited community members to attend to help with the job.

IV. CONSENT AGENDA

- A. Minutes
1. March 23, 2010 - Workshop
 2. March 25, 2010 - Workshop
 3. March 30, 2010 – Workshop
 4. April 08, 2010 - Regular Meeting
- B. Bills to Approve
1. April Accounts Payable

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

V. ACCOUNTS PAYABLE NOT ON THE CONSENT AGENDA

- A. March Accounts Payable

There were no accounts payable not on the consent agenda.

VI. STAFF REPORTS

A. Brad Grimm, Public Works Director

Public Works Project Coordinator Paul Bertagna, filling in for Director Grimm, asked for questions related to the report.

Councilor Thompson asked what an automated dump station is. **Coordinator Bertagna** explained it is an automatic payment system for the dump station at the Overnight Park. He stated in order to use the dump station, RV users would need to provide a token, credit card or cash payment before the equipment would be functional. He stated the equipment comes from a local company that approached the City suggesting it be installed to offset the 20% to 30% the City estimates it loses in dump fees due to non-payment with the honor system currently in place.

B. Eric Porter, Community Development Director

Community Development Director Porter informed the Council that in coordination with the Arbor Day Proclamation, there will be a celebration at the Overnight Park on April 30th at noon where students from Sisters Elementary School will plant trees and Mayor Kellstrom will read the proclamation again. He invited anyone to attend.

VII. COUNCIL BUSINESS

A. Continued Public Hearing and Consideration of Ordinance No. 397: AN ORDINANCE AMENDING THE DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS), CHAPTER 3 (DESIGN STANDARDS) CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES), AND CHAPTER 5 (EXCEPTIONS TO CODE STANDARDS) TO CREATE CONSISTENT TERMINOLOGY, REDUCE AMBIGUITIES, MODIFY SITE DEVELOPMENT DIMENSIONAL STANDARDS, ALTER THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES, MODIFY PERMIT/DECISION MAKING PROCEDURES AND MOVING SUB-DISTRICTS TO NEW SEPARATE ZONING DISTRICTS AND DECLARING AN EMERGENCY

Mayor Kellstrom stated there were a few issues Senior Planner Hardie would address prior to the continuing the public hearing from April 15, 2010.

Planner Hardie stated she needed direction from the Council with regard to two issues. The first related to *Chapter 2.15 Special Provisions, 2.15.800 Affordable Housing*.

Planner Hardie stated that at the last public hearing on the Development Code there was conversation about allowing the height bonus for multi-family housing development that meet eligibility requirements for affordable housing to be up to seven feet taller than is normally allowed within the applicable district.

Planner Hardie stated the second issue requiring Council direction was related to parking for retirement/assisted living housing units. She stated she had done research as to how the issue is handled in other jurisdictions and directed the Council to a handout she had distributed detailing her findings. **Mayor Kellstrom** stated these issues and any others that came up in the course of the public hearing would be addressed later in the discussion.

Mayor Kellstrom stated the public hearing was continued for anyone who wanted to speak on the Development Code.

City Recorder Nelson stated the following letters regarding the Development Code had been received to add to the public hearing record:

1. Jeff Pickhardt dated April 15, 2010
2. Kris Calvin dated April 20, 2010
3. Kris Calvin dated April 21, 2010
4. Marie Clasen dated April 22, 2010
5. John Rahm dated April 22, 2010
6. Charles Humphreys dated April 22, 2010

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John Rahm, 433 E. Tyee Drive, Sisters, OR 97759

Mr. Rahm stated he wanted to speak on the issue of drive-thru restaurants and that the City had faced this issue previously. He stated he is a strong advocate on limiting fast food restaurants and he was in attendance to promote what he felt was a simple solution. He suggested stipulating that drive-thru restaurants have a separate requirement of being separated from one another by at least 400 feet. He stated another possibility was limiting the total number of drive-thrus.

Kris Calvin, 148 Sisters Park Drive, Sisters, OR 97759

Mr. Calvin thanked the Council for directing staff to create a readable draft of the Development Code. He asked if the Council had any questions regarding his letters and **Mayor Kellstrom** reminded him that this time was for public testimony. **Mr. Calvin** stated he met with Planning staff earlier in the day to discuss the possibility of constructing a small lean-to, about 18 feet by 30 feet, which he anticipates will cost \$5,000 to \$6,000 to build. He stated he was surprised to find that this structure could fall into a land use planning category of a minor modification with a fee of \$1,700. He stated he was shocked by the price which he stated shows the new Development Code is open to interpretation and needs further study. He recommended the Council wait at least a week before voting on the updated document.

Chuck Humphreys, PO Box 653, Sisters, OR 97759

Mr. Humphreys commended Senior Planner Hardie and the rest of the Community Development Department staff for their professionalism and dedication to the update project. He stated it's important to remember you can't please everyone all the time. He stated he felt the updated Development Code was a good document when it left the Planning Commission and the Council has made some additional good changes. He stated he feels the Development Code does not go far enough in protecting the western entrance into town. He supported expanding the no-build corridor from 20 to 40 feet to preserve the quality of Sisters that draws travelers here. He stated that when the alternate route is constructed, Barclay Avenue will become a much more visible part of the community and recommended screening requirement for businesses that front Barclay Avenue. **Mr. Humphreys** stated he also feels the rules governing public art are too restrictive and limits the range of art that is acceptable. He stated that although an ordinance addressing public art is forthcoming, he would like to see the rules relaxed beyond allowing just an 1880's themed art until that time.

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Ed Protas, 544 S. Oak Street, Sisters, OR 97759

Mr. Protas stated he wanted to echo Mr. Humphreys in thanking Planner Hardie was her hard work. He also thanked Mr. Humphreys for his thoughtful input as a Planning Commissioner and community member. He stated that several years ago there was community support to limit the number of formula foods restaurants that would be allowed in Sisters and the support from the community to do so was overwhelming. Unfortunately the Council did not choose to adopt that approach. He stated people in Sisters do not want it to look like any other small city. He reported the Nugget Newspaper commented several years ago that the citizens do not have the right to decide what restaurants come to Sisters but **Mr. Protas** stated he feels community members do have that right. He asked the Council to keep Sisters vibrant and not lose the opportunity to protect its uniqueness again.

Carey Tosello, 754 Coyote Springs Road, Sisters, OR 97759

Mr. Tosello stated he wanted to speak on the issue of the distance between drive-thrus. He stated from previously sitting on the Planning Commission he is well aware that people in the community do not want drive-thrus. He strongly encouraged the Council to leave the requirement that at least 400 feet separate drive-thru businesses.

Lance Trowbridge, 213 W. Adams Street, Sisters, OR 97759

Mr. Trowbridge commended the City staff and Council for the sidewalk and parking improvements on Main Street stating they were a great asset. He added he thinks the idea of back-in diagonal parking is a crazy idea.

Jeff Pickhardt, PO Box 208, Bend, OR 97709

Mr. Pickhardt stated that as the owner of the property referred to as Outlaw Station he would like to request flexibility in allowing additional drive-thrus, not to increase fast food businesses, but to allow other business opportunities such as a drive through pharmacy. He stated that although a buffer along the highway impacts his land, he is not opposed to increasing the buffer to 30 feet to protect this important gateway into the City. He stated allowing more drive-thrus is important to the community and to businesses interested in locating in Sisters.

Steve McGhehey, PO Box 702, Sisters, OR 97759

Mr. McGhehey stated he agrees that as we increase traffic along Barclay Avenue there is a need to maintain the appearance of the light industrial area. He stated he is deeply opposed

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to decreasing any of the appearance standards for the light industrial zone.

City Attorney Bryant stated the issues of height bonus for multi-family affordable housing projects, parking requirements for senior housing projects and the buffer set-back are not substantive but the drive-thru spacing issue could change the findings related to the emergency clause in the ordinance.

Mayor Kellstrom directed Council conversation back to issues requiring discussion. **Planner Hardie** asked if the Council wanted to allow the increased height for multi-family affordable housing to change from a maximum of 35 feet to a maximum of 37 feet. The **Council** agreed to the change.

The **Council** discussed parking needs for senior multi-family housing units and agreed to one parking space required for studio and one bedroom units and 1.5 parking spaces required for two bedroom units.

Councilor Weed stated in the spirit of disclosure she wanted the audience to know the City was approached by a senior multi-family affordable housing developer and these two issues were related to requests from that developer.

The **Council** continued its conversation on drive-thru spacing. There was extended conversation on where drive-thrus could be located. Some Council members were in support of limiting drive-thrus and some Council members were concerned with affecting land value and business opportunities. The **Council** reached the compromise to allow drive-thru businesses on all lots in the highway commercial zone but require formula food businesses be separated by a distance of at least 400 feet on the same side of the road with a limit of two per intersection.

The **Council** discussed the issue of the buffer zone set-backs in the highway and agreed to increase the set-back to 30 feet.

Councilor Weed requested the definition of affordable housing be clarified in the Development Code to match the Housing and Urban Development (HUD) definition and **Planner Hardie** stated she would make the correction. The **Council** agreed.

The **Council** discussed the issue of outdoor storage and display in the light industrial zone and asked that a definition of each be provided.

The **Council** determined that outdoor storage and manufacturing do not need to be screened from the street in the light industrial zone.

The **Council** discussed the issue of relaxing the requirement that all public art be western themed as noted in the Comprehensive Plan. The **Council** decided to not to make any changes until a public art ordinance can be crafted.

The **Council** discussed the issue of what percentage of parking should be designated as compact spaces and decided to keep the requirement at 30%.

The **Council** discussed if a paved driveway will be required for businesses in the light industrial zone. **Sisters Camp Sherman Fire District Fire Marshall Dave Wheeler** informed the Council the fire code requires all entrances to businesses be an all weather surface and that it must be maintained. **Planner Hardie** stated the Americans with Disabilities Act (ADA) requires that all ADA stalls be smooth paved. The **Council** decided that parking stalls and paths into the place of business must be paved but not the driveway.

Mayor Kellstrom stated the public hearing would be continued to May 13, 2010 at 7:00 p.m.

**B. Discussion and Consideration of a Resolution No. 2010-07: A
RESOLUTION DECLARING THE CITY'S INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF FUTURE OBLIGATIONS**

Councilor Merrill moved to adopt Resolution No. 2010-07 declaring the City's intent to reimburse expenditures with proceeds of future obligations. Councilor Weed seconded the motion. The motion carried unanimously.

**C. Discussion and Consideration of a Motion to Award a Bid to CS Construction
in the Amount of \$499,947 for Construction of the Public Works Maintenance
Facility and Authorize the City Manager to Enter into the Contract**

Councilor Merrill moved to award a bid to CS Construction in the amount of \$499,947 for construction of the Public Works maintenance facility and authorize the City Manager to enter into the contract. Councilor Weed seconded the motion. The motion carried unanimously.

Councilor Merrill left the meeting at 9:57 p.m.

**D. Discussion and Consideration of a Motion to Authorize the City Manager to
Enter into a Franchise Agreement with Pine Telephone**

This item was pulled.

VIII. OTHER BUSINESS

A. Request for Reimbursement – Timber Creek Phase VI

Councilor Thompson moved to grant the request to excuse the \$2,692.05 owed by Columbia Community Bank related to public improvement inspections for Timber Creek Phase VI. Councilor Bogart seconded the motion.

Councilor Weed stated that although she is sympathetic to the problem of the Timber Creek Bridge that the bank got stuck with, she does not feel it's the City's responsibility to excuse the fees. She cited concern that other banks in similar situations will now come forward expecting the same type of forgiveness on fees and it would be setting a bad precedent.

Councilor Thompson thanked Mr. Storton and Columbia Community Bank for stepping forward and completing the bridge project. He stated the City would have spent far more than \$2,600 for the next step in getting the bridge completed. He stated he was upset that the City didn't make sure the bridge engineers were paid.

Councilor Bogart asked if the City does excuse the amount whether it is setting a dangerous precedent. **City Attorney Bryant** stated it could open the City to a lawsuit with a similar situation. **Councilor Thompson** referred to the staff report where Manager Stein wrote "*The Timber Creek subdivision may have a long and complicated history,*" stating that statement says a lot. He stated he doesn't think there will be other properties in the same situation. **Manager Stein** disagreed stating other banks and developers could allege the City erred in its lack of clarity and they should have fees excused also.

Councilor Thompson stated he felt the City shouldn't have asked the engineer to sign off without checking to make sure he had been paid. **City Attorney Bryant** stating the City never checks that sub-contractors are paid by contractors as it is not the City's obligation or responsibility. **Manager Stein** stated she saw that the City was able to secure the engineer's signature as a gift to the bank in that it did not have to pay what was owed to the engineer. She stated the City saved additional funds for Columbia Community Bank when Public Works inspections were performed in house and the bank was not charged for these. She stated a great deal of consideration has already been given to the bank.

Councilor Bogart asked what would have happened if the City had not obtained the engineers signature. **City Attorney Bryant** explained the bridge would have remained incomplete or the City would have finished the bridge and put a lien on every lot in Phase 6 to collect the full amount of the cost to complete the bridge.

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Mayor Kellstrom called for the vote.

The motion passed with a vote of three to one. Councilor Thompson, Councilor Bogart and Mayor Kellstrom voted in favor of the motion and Councilor Weed voted against the motion.

B. Budget Committee Appointment

Mayor Kellstrom appointed David Asson to the Budget Committee and the Council concurred.

IX. MAYOR/COUNCILOR BUSINESS

There was no Mayor or Council business.

X. ADJOURN – 10:12 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Lon Kellstrom, Mayor