

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
OCTOBER 14, 2010

**MEMBERS PRESENT:**

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

**ABSENT:**

Jerry Bogart Councilor

**STAFF PRESENT:**

Eileen Stein City Manager  
Steve Bryant City Attorney  
Lisa Young Finance Director  
Brad Grimm Public Works Director  
Pauline Hardie Comm. Dev. Director  
Kathy Nelson City Recorder

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mayor Kellstrom at 7:05 p.m.

**II. VISITOR COMMUNICATIONS**

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

**Mr. Protas** stated he was in attendance to follow-up on his October 8<sup>th</sup> letter to the City Manager requesting full disclosure of the hiring process for the economic development position. He stated Roger Lee, Executive Director of Economic Development of Central Oregon (EDCO) described the process as open, fair and unbiased yet was unwilling to provide the details that would remove the cloud of suspicion surrounding the process. **Mr. Protas** stated there was no justifiable reason to withhold the information and doing so gave the impression there was something to hide. He stated tax payers and voters are not required to take the word of politicians and should be provided the requested information.

**Mike Morgan, 15925 Pilot Drive, Sisters, OR 97759**

**Mr. Morgan** stated he agreed with everything Mr. Protas had stated. He stated the hiring process for the economic development consultant was another incident in a long series of incidents within local government that have not been transparent. He stated the Mayor authorized the hiring process prior to discussion and a vote by the Council, a violation of the City Charter. He suggested the Council study its own City Charter as it defines the power of the Mayor and Council.

**Mayor Kellstrom** informed the audience that the City Attorney would address the matter under *Other Business* later in the meeting.

**III. CONSENT AGENDA**

A. Minutes

1. September 30, 2010 – Workshop
2. September 30, 2010 – Regular Meeting
3. October 07, 2010 – Quarterly Workshop with Deschutes County Commissioners

- B. Bills to Approve
  - 1. October Accounts Payable

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

#### **IV. ACCOUNTS PAYABLE NOT ON THE CONSENT AGENDA**

- A. October Accounts Payable

*Councilor Merrill moved to approve the accounts payable not on the consent agenda. Councilor Weed seconded the motion.*

**Councilor Thompson** stated he would refrain from voting due to a direct conflict of interest. **Councilor Weed** reported an item on the non-consent accounts payable was to pay for her attendance at the League of Oregon Cities (LOC) Conference. She stated she had been advised by the City Attorney that it was appropriate to vote. **Mayor Kellstrom** stated there was also an item on the non-consent accounts payable to pay for his attendance at the LOC Conference and he had also been advised that it was appropriate to vote.

*The motion carried unanimously.*

#### **V. STAFF REPORTS**

- A. Eileen Stein, City Manager

**Manager Stein** reported she had received a return email from *ENERGYneering Solutions Inc. (ESI)* in response to Councilor Weed's request to consider Sisters Middle School for the biomass district heating system feasibility study. Apparently the middle school had been considered when ESI initially studied the feasibility of installing biomass-fueled boilers at school district facilities. ESI concluded there was not enough heat demand to make it a viable option as well as the location of the boiler made it cost prohibitive to retrofit. She stated she would continue to provide updates as the project moves forward.

**Councilor Merrill** requested a status update on the Buck Run 3 properties as it relates to sewer connections. **Manager Stein** reported the properties included in the South Maple Street Sewer Reimbursement District were required to connect to the city sewer system by October 2010 and the Tyler Street properties by early 2011. She stated it appears the properties involved will all meet the required deadlines.

**Councilor Merrill** encouraged the Chamber of Commerce to take action towards its membership to be supportive of the City's rules regarding temporary signs such as political

and garage sale signs and to be compliant to those rules. He stressed the importance of an attractive city and neighborhoods and stated that signs do not make a good first impression to visitors to the city.

**B. Lisa Young, Finance Director**

**Director Young** reported that staff had participated in a number of educational webinars. She reported the recruitment for a desktop support technician was in progress with a job posting in the Nugget News this week. She stated the City had begun receiving applications from citizens to pay utility bills with a credit card. She stated the City would be testing the on-line utility billing application soon with a projected launch date of October 27<sup>th</sup>. She reported the FY 2010-11 Budget was published and she had again submitted it for an award. She informed the Council that financial fitness classes would be offered again with the City partnering with Bank of the Cascades and the Sisters Library to share in the costs.

**Mayor Kellstrom** asked whether the Council would like to review the 1<sup>st</sup> quarter financial overview received at the earlier workshop. **Council Members** requested additional time to review the material prior to discussion.

**C. Captain Tim Edwards, Deschutes County Sheriff's Department**

**Captain Edwards** reported on the number of patrol hours provided, incidents, citations, warnings and business checks for September. He informed the Council there would be extra patrols out on Halloween.

**VI. COUNCIL BUSINESS**

**A. Discussion and Consideration of Ordinance of a Motion to Terminate WyEast as Sub-Recipient of the Grant and Approve a Consultant Contract with Central Oregon Community College (COCC) for a Microenterprise Facilitation Program Grant and Authorize the City Manager to Execute the Contract**

**Community Development Director Hardie** directed the Council to the handout that provided updated language for the sub-recipient agreement and a scope of work from COCC that specified COCC's commitment to provide a series of courses in Sisters.

**Councilor Merrill** added that it is incumbent on the Chamber of Commerce to make certain enough interest is generated and enough citizens participate.

*Councilor Merrill moved to approve a motion to terminate WyEast as sub-recipient of the grant and approve an amended consultant contract with COCC for a microenterprise*

*facilitation program grant and authorize the City Manager to execute the contract. **Councilor Weed** seconded the motion. The motion carried unanimously.*

## **VII. OTHER BUSINESS**

### A. CCI Appointment

**Mayor Kellstrom** appointed Davina Luz to the Committee for Citizen Involvement. The **Council** concurred.

### B. Economic Development Hiring Process

**City Attorney Bryant** began by stating Mr. Morgan's 'informal' records request to City Manager Stein and Mayor Kellstrom was not valid. He stated public records requests are formal requests that should be directed to the City Recorder, the keeper of city documents. He explained that statutes and state law deem what qualifies as a public record and that some of the information Mr. Morgan was requesting was not in the City's possession but in EDCO's. He stated EDCO has refused to comply with the City's request for the records and that EDCO was under no obligation to release the information. He added the City has no authority over EDCO to prompt the release of the information.

**City Attorney Bryant** stated the allegation that the Mayor violated the City Charter was not accurate. He stated Charter provisions state the Council has to vote before there is an effective action of the City and individually Council members regularly talk to citizens and encourage them to put together programs, projects or proposals, and bring those to the full Council for a vote. He stated when discussion with EDCO led to its offer to handle the recruitment process based on its experience, the Mayor requested EDCO bring something to the Council which it did in the form of an agreement. He stated he had conversations with EDCO and its attorney and they were aware the Council could accept or reject EDCO's recommendation. EDCO opted to move forward with the process regardless. **City Attorney Bryant** stated one of EDCO's provisions made the agreement unacceptable to the City and so the Council voted to have the position be an independent contractor of the City and to agree to accept whoever EDCO recommended for the position even though the Council did not know who the person would be. He explained the City had the ability to vote no on EDCO's process at any time.

**Councilor Weed** asked if a formal records request had been received from the Bulletin and what the process would be. **City Recorder Nelson** replied that minutes from meetings had been requested but other information asked for would require research time and be charged accordingly.

**Councilor Weed** asked if the City Manager had made a request to EDCO for the requested information. **Manager Stein** replied she had and that EDCO maintained it was a professional process and would not release the information. She stated a copy of that email had been distributed to the Council at the September 30<sup>th</sup> meeting.

**Councilor Weed** stated she would like the Council to be as transparent as possible and would like to be able to tell citizens it was a good process. **City Attorney Bryant** stated the City could make the request again or ask a representative from EDCO to come talk with the Council but reminded the Council that EDCO was not subject to any public records laws.

#### **VIII. MAYOR/COUNCILOR BUSINESS**

**Councilor Merrill** reported he attended the regional League of Oregon Cities' Small Cities Support Network meeting in Maupin where economic development was the main topic of discussion. He stated he met with Mac Hay and passed the information he'd received on to him. He strongly encouraged Council members and the City Manager to attend future Small Cities Support Network meetings after his term had ended.

**Councilor Merrill** stated the City needs to make certain it is compliant with the Americans with Disabilities Act (ADA) standards and determine if the City is required to designate an employee as an ADA compliance officer. **Public Works Director Grimm** reported he had attended a recent meeting on ADA compliance issues.

**Mayor Kellstrom** reported he attended the Central Oregon Area Commission on Traffic (COACT) meeting on October 14<sup>th</sup>. He stated the improvements for Cascade Avenue are included in the Statewide Transportation Improvement Program (STIP) for 2013.

#### **IX. ADJOURN – 7:47 p.m.**

Respectfully submitted,

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Kathy Nelson, City Recorder

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Lon Kellstrom, Mayor