

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
OCTOBER 28, 2010

MEMBERS PRESENT:

Bill Merrill Council President
Sharlene Weed Councilor
Pat Thompson Councilor
Jerry Bogart Councilor

ABSENT:

Lon Kellstrom Mayor

STAFF PRESENT:

Eileen Stein City Manager
Lisa Klemp Acting City Attorney
Brad Grimm PW Director
Pauline Hardie Comm. Devel. Director
Lisa Young Finance Director
Kathy Nelson City Recorder

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Council President Merrill at 7:00 p.m.

II. VISITOR COMMUNICATION

Zoe Schumacher and Colleen Galvin, Sisters Branch of Deschutes Public Library

Ms. Schumacher and **Ms. Galvin** introduced themselves as the Sisters Public Library Supervisor and Community Librarian, respectively. **Ms. Galvin** discussed programs available at the library at both a district and local level. District level programs include one on civil disobedience while the local program is to assist individuals in finding employment with resume writing, job search skills and interview strategies classes. She encouraged the Council to take advantage of the many other resources the library has to offer.

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

Mr. Protas stated his comments were directed at the Mayor and Council members. He stated that although it is natural to want to put an unpleasant event behind you it is important to learn from the event. He stated a best practice approach should be followed as it produces the best outcome. He stated he was disappointed with the hiring process for the economic development manager, not Mac Hay or Economic Development of Central Oregon (EDCO). He stated the Mayor made a unilateral decision to move forward without City Council approval and the end does not justify the means. He stated he emailed four questions about the process to Manager Stein and thus far has not received a satisfactory answer. He remarked that unless the Council is forthcoming with additional information it will appear the Mayor is hiding something. He stated the Mayor's comments in the Nugget Newspaper that there are always a small vocal minority that is opposed to everything shows the derisive nature of the current Council. He urged Mayor Kellstrom to come forward and clean up the mess that leaves many feeling there has been a lack of transparency.

Mike Morgan, 15925 Pilot Drive, Sisters, OR 97759

Mr. Morgan mentioned an editorial in the Bulletin regarding concerns noted by the media with regard to the relationship another local government agency and EDCO have. He stated state laws do not allow an agency such as the City of Sisters to farm out certain actions to non-profits to avoid public records and public meeting laws. He stated Oregon public policy requires transparency and he feels the Mayor's actions did not conform to the policy. He stated he has reduced his request to two simple questions and the City has stonewalled him by requiring a research deposit before providing answers to those questions. He stated that ORS279.070 mandates by law that the City must have procedures in place for its public contracting process.

City Recorder Nelson entered two emails received from Mark Pilliod and Phil Gerber into the record. **Councilor Weed** requested the reply to Mr. Gerber from Mr. Protas also be added to the record. **City Manager Stein** stated it would.

Council President stated the Council would discussion the matter under *Other Business*.

III. CONSENT AGENDA

- A. Minutes
 - 1. October 14, 2010 - Workshop
 - 2. October 14, 2010 – Regular Meeting

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

- C. Liquor License Application – *Poppies, LLC*

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

IV. ACCOUNTS PAYABLE NOT ON THE CONSENT AGENDA

- A. October Accounts Payable

There was no accounts payable not on the consent agenda.

V. STAFF REPORTS

A. Brad Grimm, Public Works Director

Public Works Director Grimm asked for questions regarding his staff report. **Councilor Weed** asked what a thermo-plastic installation was. **Director Grimm** explained thermo-plastic is a long-lasting plastic material used for road striping.

B. Pauline Hardie, Community Development Director

Community Development Director Hardie informed the Council that the City's survey on its parks is still available on-line and there have been 142 survey responses so far. She stated the intergovernmental agreement for the Safe Routes to School grant was received from the Oregon Department of Transportation (ODOT) and the City only needs a notice to proceed to begin the project. She reported the joint workshop scheduled with the Council and Planning Commission for December 2nd regarding a plan for the Forest Service Property will likely be postponed at least one additional month.

Councilor Weed asked if the Transportation Enhancement Program (TEP) for Cascade/Main Avenue and Cascade Avenue Enhancement Project were one and the same. **Director Hardie** explained the two projects both relate to Cascade Avenue but fund different aspects. The Cascade Avenue Enhancement Project is working with the Department of Land Conservation and Development (DLCDD) for a streetscape design while the TEP grant will fund the actual improvements.

VI. COUNCIL BUSINESS

A. Discussion and Consideration of a Motion to Accept a Donation of Public Art for the City of Sisters

Director Hardie stated a representative from the Sisters Ford Leadership Institute Class was in attendance to present an overview and proposal for interpretive art panels to be installed on Creekside Bridge. She reported the Planning Commission approved the project as being consistent with the necessary criteria of the City and the Development Code.

Kit Stafford, Sisters Ford Leadership Institute Class Member discussed the proposed piece and installation. She provided rough sketches of the piece and how it would wrap around one side of the bridge to the other. She described how the four porcelain enamel pieces will each communicate a different aspect of Whychus Creek.

Councilor Weed questioned the sturdiness of the porcelain enamel citing a concern raised in one of the letters received in opposition to the project. **Ms. Stafford** replied the pieces would be durable noting the Society of Environmental Design endorses the product. She

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stated the initial cost for the pieces is more but the material is stronger and longer lasting than laminate.

Council President Merrill asked about Americans with Disabilities Act (ADA) concerns and whether the bridge was compliant. **Director Hardie** stated she and Director Grimm met with the ADA compliance officer from the City of Bend who recommended the bridge should be made ADA compliant to allow everyone the opportunity to enjoy the display. The compliance officer stated improvements needed include railings, ramps and designated parking with a path from the parking lot to the bridge and ramps. The compliance officer added that Braille would need to be incorporated into the descriptive plaques also. Director Hardie indicated the Ford Foundation Leadership Institute Class would be responsible for making the art piece compliant and it would need to be determined which agency would be financially responsible for the other ADA improvements. She advised that the bridge needs to be brought up to standards regardless at some point but the art installation would require it to be sooner as opposed to later.

The **Council** discussed the matter and determined additional discussion was needed to discuss the associated costs of installation and ADA requirements. **Manager Stein** stated the discussion would be added to the agenda calendar. **Councilor Weed** stated she thought the project was fabulous and the City needed to figure out how to make the installation happen. She asked if there was a date by which the leadership class needed to complete the project. **Ms. Stafford** stated there was but she felt certain the class could ask for and receive an extension from the Ford Institute as long as the project was moving forward.

B. Discussion and Consideration of a Motion to Apply for a Risk Management Incentive Grant in the Amount of \$4,000 from Country/City Insurance Services and if Awarded, Approve Receipt of the Grant and Authorize the City Manager to Execute the Grant Agreement

Director Grimm asked if there were questions regarding the grant application. **Councilor Weed** noted the City would have to pay back the grant if it changed insurance carriers in the next three years. **Director Grimm** stated the payback amount would be prorated over the three year term so the City would benefit regardless of whether it changed insurance carriers in the future or not. **Councilor Bogart** asked if the grant would cover all the expenses and **Director Grimm** replied it would not. **Councilor Bogart** asked why the City hadn't asked for a larger grant since according to the documents, there were grants available up to \$10,000. **Finance Director Young** explained that the amount available to each city is based on its yearly liability contribution and the City only qualified for a \$4,000 grant. **Councilor Weed** asked if the balance needed was budgeted and **Director Grimm** stated it was.

Councilor Weed moved to approve an application for a risk management incentive grant in the amount of \$4,000 from Country/City Insurance and if awarded, approve receipt of the grant and authorize the City Manager to execute the Grant Agreement. Councilor Bogart seconded the motion. The motion carried unanimously.

VII. OTHER BUSINESS

Councilor Weed stated she knew the topic regarding the hiring of the Economic Development Manager was difficult but she felt the questions being asked by Mr. Protas and Mr. Morgan were valid. She stated the City needs to be more transparent and it would be better off in answering the questions. She asked if Manager Stein received anything in writing from EDCO on its recommendation for the position of Economic Development Manager. **Manager Stein** stated she received a resume for Mac Hay from EDCO via email. **Councilor Weed** asked if Manager Stein knew if EDCO had created a short list of candidates. **Manager Stein** stated EDCO Executive Director Roger Lee indicated on the phone that EDCO had created a short list. **Councilor Weed** stated the email from Mr. Lee made it sound as if there was more than one candidate for the City to choose from and asked if that was true. **Manager Stein** replied the City only received one recommendation from EDCO as the Council indicated at its September 9th workshop it would be satisfied with whomever EDCO recommended for the position.

Councilor Weed asked why Mr. Protas and Mr. Morgan had not received answers to their questions. **Manager Stein** stated the characterization that the City was stonewalling with regard to providing the information Mr. Protas and Mr. Morgan were asking for was inaccurate. She stated the City has an adopted Council policy with regard to public records requests and she had asked Mr. Protas and Mr. Morgan to follow the policy. She stated the questions posed by Mr. Protas and Mr. Morgan were not simple yes or no questions and indicated there would be additional follow-up questions involved that would require a full legal answer. She stated she felt the questions surrounding the City's public contracting ordinance were taken out of context and a complete review of the issue would occur when the City Attorney arrived back in town. **Councilor Weed** stated it was not appropriate to not respond as it looks as if the City is trying to hide something. **Manager Stein** replied she was not 'not responding' and had merely asked Mr. Protas and Mr. Morgan to follow the City's policy. **Acting City Attorney Lisa Klemp** added that an October 19th email from Mr. Morgan was forwarded to City Attorney Bryant to review upon his return. **Councilor Weed** stated there was no board resolution delegating authority to EDCO to act on the Council's behalf and asked what the consequences and remedy were. She stated she thought the City might be required to redo the hiring process and if that occurred asked what would happen to the existing contract with Mr. Hay. **Manager Stein** stated that was also a question for the City Attorney to answer. **Councilor Weed** stated she feels the City made a mistake, needs to tell the truth and apologize.

VIII. MAYOR/COUNCILOR BUSINESS

There was no Mayor/Council business.

IX. ADJOURN –8:00 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

William B. Merrill, Council President