

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
APRIL 14, 2011

**MEMBERS PRESENT:**

David Asson            Council President  
Sharlene Weed        Councilor  
Pat Thompson         Councilor  
Wendy Holzman       Councilor

**ABSENT:**

Lon Kellstrom         Mayor

**STAFF PRESENT:**

Eileen Stein         City Manager  
Steve Bryant         City Attorney  
Pauline Hardie       CDD Director  
Paul Bertagna        PW Director  
Lisa Young           Finance Director  
Eric Porter           Principal Planner  
Kathy Nelson         City Recorder

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

The meeting was called to order by Council President Asson at 7:06 p.m.

**II.       VISITOR COMMUNICATION**

**Janet Zuelke, Sisters Farmers Market Advisory Committee Representative**

**Ms. Zuelke**, as a representative of the Sisters Farmers Market Advisory Committee, stated she was in attendance to ask for the Council's approval to close Ash Street between Adams Avenue and Main Avenue on Fridays from 2:00 p.m. to 8:00 p.m. from June 3<sup>rd</sup> through September 16<sup>th</sup> for the proposed farmers market. She distributed a map illustrating how the market would be set up. She stated the committee feels there will be 10 to 15 vendors initially but the number could grow up to 30 vendors as the market expands. She stated the farmers market had partnered with Sisters Park and Recreation District (SPRD) in order to have liability insurance through that organization. She stated each vendor would also be required to carry liability insurance. She stated she had spoken with most of the affected neighbors, who had been supportive.

**Councilor Thompson** stated he would be in support of the farmers market unless the City received complaints of it adversely affecting someone. **Councilor Holzman** agreed it sounded like a fabulous idea and asked if Public Works staff had any concerns with closing the street each week for six hours. **Director Bertagna** stated he would need to look at the plan more carefully and discuss the closure with Sisters Fire Marshall Wheeler, the Sheriff's Department, and affected tenants and property owners. **Council President Asson** stated the City would gather more information and get back to Ms. Zuelke with a decision.

**Jan McGowan, Non-Profit Consultant, 70797 Indian Ford Road, Sisters, OR 97759**

**Ms. McGowan** stated she was a consultant for a visioning project built around the concept of a Sisters Community Arts Center. She explained that SPRD was the fiscal agent for the

project which was funded through the Roundhouse Foundation. She reported she had interviewed 31 community and arts leaders and coordinated a survey that received 111 responses. She stated the first of three public community meetings was held the previous evening and invited the Council to attend one of the remaining meetings. She stating she wanted the Council to be aware of what was occurring in the community and to share the preliminary report, which she distributed.

### III. CONSENT AGENDA

- A. Minutes
  - 1. March 17, 2011 – Workshop
  - 2. March 24, 2011 – Workshop
  - 3. March 24, 2011 - Regular Meeting
  - 4. March 31, 2011 - Workshop
  
- B. Bills to Approve
  - 1. April Accounts Payable

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

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

*Councilor Weed moved to approve the consent agenda. Councilor Holzman seconded the motion.*

**Councilor Thompson** stated he would refrain from voting due to a direct conflict of interest.

*The motion carried unanimously.*

### V. STAFF REPORTS

- A. Eileen Stein, City Manager

**Manager Stein** provided additional highlights:

- The Court of Appeals hearing regarding the fuel tax will take place in July.
- Director Bertagna met with County and High Country Disposal (HCD) staff to discuss ideas for the Sisters Recycling Center (SRC).
- Manager Stein stated she had discussed the possibility of using the SRC as a staging area for bio-mass firms with some representatives from the bio-mass industry. She reported she had toured the center with one of the firms.

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- Community meetings regarding coordinating sports funding with SPRD and Sisters School District are occurring on May 2<sup>nd</sup> and May 10<sup>th</sup>.

**Councilor Weed** stated she would like to schedule some Council workshop time to discuss the draft Council priorities for FY 11-12 mentioned in Manager Stein report. **Manager Stein** stated she would schedule some time for the discussion.

**Councilor Weed** asked what Council direction Manager Stein was looking for with regard to public contracting. **Manager Stein** stated there had been past Council conversation on using a different set of criteria on requests for proposals to make certain the City is providing an opportunity for local business contractors to participate in the process.

**Councilor Thompson** stated he had the information on the Central Oregon Intergovernmental Council (COIC) Needs and Issues list, which he would give to Manager Stein.

B. Lisa Young, Finance Director

**Director Young** stated budget binders would be distributed April 21<sup>st</sup> and a copy of the draft priorities would be included in that material. She reported the budget orientation meeting was well attended and productive.

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 March. He informed the Council the Sheriff's Department would have a presence at the Children's Fair and that coordination meetings for Sisters Rodeo would begin soon.

**Council President Asson** asked Captain Edwards to comment on the overall safety of the community as it compares to other communities in Central Oregon. **Captain Edward** stated Sisters has the least number of calls in the County and is the safest city.

## VI. COUNCIL BUSINESS

A. **Discussion and Consideration of a Motion** to Amend Policy UT 112 for the Low-Income Assistance Policy

**Councilor Weed** moved to amend Policy UT112 for the low-income assistance policy.  
**Councilor Thompson** seconded the motion.

**Director Young** stated the proposed change in the low-income assistance program was to help those applicants who were in jeopardy of losing their assistance due to not meeting the credit eligibility requirements. She stated the proposed change would allow those individuals to remain in the program if they attended financial/budgeting workshops sponsored by NeighborImpact.

**Councilor Weed** asked City Attorney Bryant if there were any legal ramifications in requiring low-income assistance applicants to attend the financial meetings. **City Attorney Bryant** replied there was not.

*The motion carried unanimously.*

**B. Public Hearing and Consideration of a Motion** to Approve a Conditional Use Permit CU10-02 and Site Plan Review SP10-05 for Gutenberg College

**Council President Asson** read the following script outlining the public hearing on CU 10-02 and SP 10-05 for Gutenberg College:

**1. Opening:** *“The public hearing on and Site Plan Conditional Use Permit 10-02 and Site Plan Review 10-05 is called to order.”*

**2. Conduct of Hearing:** *“The public hearing this evening will be conducted as follows:*

- (a) Staff Report.*
- (b) Entry of additional correspondence received into the record.*
- (c) Questions of staff from members of the Council.*
- (d) Opening the public hearing for testimony in the following order:*
  - (1) Applicant and proponents*
  - (2) Opponents*
  - (3) Rebuttal from the applicant*
- (e) Questions of staff, if any, by the City Council.*
- (f) Hearing closed, no further testimony from the audience.*
- (g) Discussion by the City Council.*

*A decision may be made by the City Council at the close of the hearing or the matter may be continued at a time and date certain in the future. If the matter is continued to a time and date certain in the future, this will be the only notice of that date you receive.”*

**3. Testimony** *“I will recognize those people wishing to speak and any questions should be addressed through me. When you testify, please state your name and address for the record, as this hearing will be taped.*

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*Since we have other items on the agenda this evening and a number of persons who wish to testify, we will limit testimony to 5 minutes per person.1 I would encourage those wishing to speak to keep testimony concise and relevant to the issue before us this evening.*

*For the deliberations tonight the applicable substantive criteria are listed in the staff report.2 These are the criteria the City Council must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Comprehensive Plan or other land use regulations which the person testifying believes apply to the decision.*

*Failure to raise an issue with sufficient specificity to afford the City Council and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals based on that issue.*

*Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City Council to respond to the issue precludes an action for damages in circuit court.”*

**4. Disclosures:** *“At this time I ask the members of the City Council to disclose any ex parte contacts, bias, or conflicts of interest. Please indicate the nature and extent of the ex parte contact, bias or conflict of interest and indicate whether you intend to participate in or abstain from the hearing.*

**Councilor Weed** stated she had read an article in the Nugget newspaper regarding the Sisters School District’s inability to build a school in the industrial zone due to its proximity to the airport and that she had attended a Planning Commission meeting when Guttenberg College was discussed. **Councilor Holzman** and **Councilor Thompson** stated they had also read the same article. **Councilor Weed, Councilor Holzman** and **Councilor Thompson** all stated these would not impact their ability to hear the matter.

*Does any member of the audience wish to challenge the ability of any Councilor to hear this matter?”* There was no challenge from the audience.

**5. Staff Report:** *“The planning staff will now present the staff report.”*

**Principal Planner Porter** stated the hearing was the final step in a two step process, the first being the Development Code text amendment the Council adopted at the March 24<sup>th</sup> regular meeting. He stated consideration of the conditional use permit and site plan review for Guttenberg College would be considered this evening.

**Planner Porter** gave a PowerPoint presentation explaining what the proposals would approve. He explained the conditional use review would evaluate the compatibility, impact to infrastructure, determine screening needs and access potential noise, odor and other

potential impacts to adjacent sites. He stated the site plan review would allow the City to evaluate the adequacy of the site for such characteristics as parking and access.

**Planner Porter** provided a brief history of the Weitech building, illustrating the original site plan along with Guttenberg College's proposed floor plan for both the first and second floors. He reported on the various agencies that were notified of the proposal, noting that only the Oregon Department of Aviation (ODA) was not supportive of the application. He stated that after several conversations with ODA staff members it became clear the agency would not provide City staff with the basis for its non-supportive stance based on the agencies rules. Therefore, he stated, it left the stance unsubstantiated.

**Planner Porter** discussed potential issues with the application; Eagle Air Airport and traffic concern for Highway 20 at Locust Street. He reported there was sewer, water and street adequacy for the facility and summarized by stating both the Planning Commission and staff recommended approval of both applications.

**6. Correspondence:** *"Have we received any correspondence on this matter other than those items included in the agenda materials?"*

**Planner Porter** reported no correspondence had been received since the Planning Commission hearing.

**7. Questions of staff:** *"Does the Council have any questions for staff?"*

**Councilor Weed** asked if there was any liability to the City if it approved the applications since ODA had not been supportive. **City Attorney Bryant** stated there was not.

**Councilor Weed** asked if the Federal Aviation Administration (FAA) had weighed in on the matter. **Planner Porter** stated there was an evidentiary link to the FAA on a form submitted in 1992 but the FAA was unable to produce the document. He noted there were red lights on the roof of the building, a requirement from the FAA. **Councilor Weed** asked if there were any concern with parking and **Planner Porter** replied any concerns would have been addressed during the Development Code text amendment.

**8. Public Testimony:** *"The order for providing public testimony will be as follows: the applicant, persons speaking in favor of the application, persons speaking against the application, persons providing neutral testimony, others wishing to speak, and the applicant's rebuttal.*

(a) *The applicant may now present the proposal.* The applicant did not choose to present the proposal.

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*(b) Does anyone wish to speak in favor of the application?*

**David Crabtree, President, Guttenberg College, 89618 Armitage Road, Eugene, OR 97408**

**Dr. Crabtree** stated he hoped the college could move from Eugene where it is currently located, to Sisters. He explained that Guttenberg is a small four year accredited liberal arts college. He reported the college currently has 27 students enrolled and hopes to grow to a maximum of 150 students. He stated the size and layout of the Weitech Building was one of the attractions to relocating. He stated the college had provided all the necessary materials to the City for its application and supported the staff report and Planning Commission opinion.

**Liz Fancher, Land Use Attorney, 644 NW Broadway Street, Bend, OR 97701**

**Attorney Fancher** stated she would address the airport issue with regard to overland zones that apply to airports. She reported the Department of Land Conservation and Development (DLCD) has rules regarding the approach surface zone prohibiting assembly uses in the runway protection zone. She stated the approach surface zone was not restricted in Sisters light industrial zone which was consistent with state requirement also. She stated using the Weitech building would not violate any state law and reminded the Council that the applicant would be required to sign a hold harmless agreement for the property.

**Jack Addison, PO Box 2111, Sisters, OR 97709**

**Mr. Addison** stated he owned the Larch building which shares the parking lot with the Weitech building. He stated that as the closest neighbor, he is looking for good development in Sisters and fully supported the relocation of the college to the Weitech building. He stated the college would provide living wage jobs and enhance the city's profile. He stated businesses on Larch Street are not classic light industrial properties and as such the college is a good fit. He expressed the proximity to the airport was not an issue when he invested in his property and there is nothing contrary to a college using the space since there is zoning to support the application. He stated having Guttenberg College relocate would be a gift and reflect positively on the city.

**Steve McGhehey, PO Box 702, Sisters, OR 97759**

**Mr. McGhehey** stated he had constructed the Weitech building which, he reported, was two feet under the maximum allowed height limit. He stated he felt Guttenberg College would be a positive addition to the industrial zone and help in selling other lots that are available. He stated he also was representing Mr. Weitzman, owner of the building, who was very excited at the prospect of Guttenberg relocating to Sisters and the Weitech building. **Mr. McGhehey** noted the building had been vacant a long time and that Mr. Weitzman had made concessions to facilitate the transaction.

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(c) *Does anyone wish to speak against the application?* There was no one that wished to speak against the application.

(d) *Does anyone wish to provide neutral testimony?*

**Benny Benson**, 67247 Trout Lane, Bend, OR 97707

**Mr. Benson** stated he is a local business owner, private pilot and the future owner of the airport. He stated he currently manages the airport. He stated he is supportive of the airport as a significant asset to the city for health and safety reason since both AirLife and Search and Rescue units use the airport. He stated he is supportive of the airport from a business perspective as it is used for both business commuting and tourists coming to enjoy the recreational assets of the area. He stated he is unsupportive of anything that provides a long-term encroachment on the airport within the airport zone. He stated the airport was built in 1933 and the Weitech building in 1999, noting the two have previously cohabitated with even larger businesses than Guttenberg College. He stated the airport is for day use only with its primary use in the summer. He showed some slides that provided an aerial perspective of the runway approach. He explained how a plane would typically take left turns in its approach to land and there are many options in the case of an emergency event. He explained the runway protection zone is 1,000 feet and the Weitech building is located 2,000 feet from the runway and approach zone. He stated the approach zone is 70 feet above the building.

(e) *Does anyone else wish to speak?* There was no one else that wished to speak.

(f) *Does the applicant wish to provide rebuttal?"*

**Attorney Fancher** requested the public hearing be closed but the record be kept open to file additional written comments until April 25<sup>th</sup>.

**9. Staff Comments/rebuttal:** *"Does the staff have anything to add in response to the testimony?"* Staff had no additional comments.

**10. Questions of Clarification:** *"Does any member of the City Council have any further questions of staff?"* There were no further questions of staff.

**11. Applicant's final rebuttal period:** *"The applicant is allowed at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. Alternatively, the applicant may waive this seven-day period. Does the applicant choose to waive the additional seven days?"* The applicant did not waive this right. *"If there are no further questions, I will close the public testimony portion of this hearing."*

**12. Close Hearing:** *“The public testimony portion of the hearing is now closed.” Council President Asson stated the written record would remain open until April 25<sup>th</sup> at 5:00 p.m.*

- C. **Discussion and Consideration of a Motion** to Approve a Second Amendment to the Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for a Quick Response Program for the United States Forest Service (USFS) Property and Authorize the City Manager to Execute the Amendment

*Councilor Holzman moved to approve a second amendment to the IGA with ODOT for a Quick Response Program for the USFS property and authorize the City Manager to execute the amendment. Councilor Weed seconded the motion.*

**Planner Porter** stated a hiatus had been taken the later part of last year after concerns were raised by the City and Forest Service on the project. He stated it was felt there was a need to augment the graphics in order to show a better representation of three of the four options. DLCDC notified the City there were additional funds available for the drawings.

**Councilor Weed** stated she felt the additional drawings were not needed. **Planner Porter** stated staff felt options A and B could use additional graphics to provide comparably birds-eye views in anticipation of the public forum. He stated it would help to better inform the public. **Council President Asson** asked if the Forest Service was in favor of the additional drawings and if it would assist in the agency’s marketing of the property. **Planner Porter** stated the answer was yes to both questions. **Councilor Weed** asked if accepting the funds would adversely affect the City’s ability to apply for future quick-fix grants for other projects and **Planner Porter** replied there was a possibility the quick-fix grant program might not be available in the future due to budget constraints. **Director Hardie** stated option C only had hand drawn graphics and in order to conduct the market study to make certain the option did not trigger the transportation planning rule (TPR), additional graphics were needed. She reported option D would use the updated Parks Master Plan map.

*The motion carried unanimously.*

## VII. OTHER BUSINESS

- A. **Discussion and Consideration of a Tabled Motion** to Direct Staff to Ignore all Email that originates from Mr. Morgan and Mr. Protas Effectively Immediately

**Council President Asson** asked to table the motion until the April 24<sup>th</sup> regular meeting since Mayor Kellstrom was not in attendance. The **Council** agreed. **Councilor Weed**

indicated Mr. Protas had a statement to read regarding the matter and **Council President Asson** asked Mr. Protas to read his statement.

Ed Protas, 575 S. Oak Street, Sisters, OR 97759

**Mr. Protas** reiterated there was a motion before the Council to direct staff to ignore all email originating from Mike Morgan and him and questioned why it was being recommended. He stated it was based on the implied statement that he and Mr. Morgan had made serial demands for information to staff which was not supported by facts. He stated he had only asked nine questions in the previous three months. He stated two requests for information were denied outright, one question was withdrawn, the information to answer one question was posted to the website, two were fully answered, two were partially answered and one was ignored. He stated the questions were asked in the first place to qualify and quantify information on the risks associated with Well #1 and chlorine gas, which were never fully answered. He stated the Council is charged with making good decisions and asked if they would continue to ignore other citizens requesting answers to questions that might take his and Mr. Morgan's place in the future. He stated there is a culture of closed door secrecy created by the City Manager and fostered by a Council majority that doesn't want to consider input from the Council minority. He stated Councilor Weed attempted to bridge the gap but her suggestions were not well received. He stated good decisions require good information and the City had continuously given out misinformation and stonewalled while the real problems still exists. He stated even though the City Attorney has stated what the Council has done was legal it did not address the morality of the issue.

## VIII. MAYOR/COUNCILOR BUSINESS

### A. Committee Reports

**Councilor Weed** stated a series of meetings had taken place to research the possibility of the City or SPRD purchasing the Forest Service property. She stated in conversation with the Forest Service staff, they indicated the Forest Service could make a direct sale to a public entity but would need an appraisal. In order to have the appraisal the agency would need a letter from the City indicating there was potential interest in purchasing the property. **Councilor Weed** stated the letter would not commit the City in any way. She stated the SPRD director was going to bring the same recommendation to its board for consideration. **Councilor Thompson** asked who would pay for the appraisal and **Councilor Weed** replied the Forest Service had suggested the City could partner in sharing the cost. **Manager Stein** asked if there was a timeline involved as there could be budget consideration to take into consideration and **Councilor Holzman** stated the Forest Service indicated it would not be marketing the property for another six to 12 months. The

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**Council** agreed to have Manager Stein write the letter but to not commit to paying any cost associated with the appraisal.

**Councilor Weed** invited the Council to the groundbreaking ceremony for two Habitat for Humanity homes in the Timber Creek neighborhood on Sunday, April 17<sup>th</sup> at 2:00. She informed the Council they were the first homes in Sisters purchased using funds from the Neighborhood Stabilization Program.

**Councilor Thompson** stated he had attended the COIC board meeting where he received a Cascade East Transit schedule and pass, which he offered to anyone that was interested. He relayed there has been a large increase in ridership.

**Council President Asson** stated he had attended the Economic Development of Central Oregon (EDCO) meeting in Madras earlier in the day where Madras City Manager Mike Morgan discussed urban renewal projects in his city. He stated there was also a tour of Butler Aircraft by the owner and representatives from Warm Springs Reservations provided an overview of projects that are taking place.

**IX. ADJOURN** – The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

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Kathy Nelson, City Recorder

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Lon Kellstrom, Mayor