

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JULY 28, 2016

MEMBERS PRESENT:

Chris Frye Mayor
Nancy Connolly Council President
David Asson Councilor
Amy Burgstahler Councilor
Andrea Blum Councilor

STAFF PRESENT:

Rick Allen City Manager
Jeremy Greene City Attorney
Paul Bertagna PW Director
Patrick Davenport CDD Director
Joe O'Neill Finance Officer
Kathy Nelson City Recorder

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Frye at 7:04 p.m.

II. VISITOR COMMUNICATION - None

III. CONSENT AGENDA

A. Minutes

1. April 21, 2016 – Workshop
2. May 05, 2016 – Workshop
3. May 19, 2016 – Workshop
4. May 26, 2016 – Workshop
5. June 14, 2016 - Workshop

B. Bills to Approve

1. July Accounts Payable

Councilor Burgstahler moved to approve the consent agenda. Councilor Connolly seconded the motion. The motion carried unanimously.

IV. STAFF REPORTS

- A. Deschutes County Sheriff's Office – no questions

V. COUNCIL BUSINESS

- A. **Discussion and Consideration of a Motion to Award Community Grant Funds for Fiscal Year 2016/17**

Councilor Connolly moved to award Community Grant Funds for FY 2016-17 to the following organization and keep \$3,300 on reserve for future requests:

- Circle of Friends - \$1,500
- Citizens for Community - \$500
- FAN - \$3,000
- Habitat for Humanity - \$1,000
- Heart of Oregon Corp Youth Build - \$2,000

- *Heartwarmers - \$500*
- *Rotary Club of Oregon - \$800*
- *Seed to Table Program - \$1,000*
- *Sisters Community Garden - \$500*
- *Sisters Folk Festival - \$750*
- *Sisters Trail Alliance - \$750*
- *SMART - \$500*
- *SPRD Youth Scholarships - \$2,500*
- *SPRD Senior Scholarships - \$900*
- *VFW Post 8138 - \$500*

Councilor Blum seconded the motion. The motion carried unanimously.

VI. OTHER BUSINESS

Senior Planner Position

City Manager Allen informed the Council he might need to increase the salary being offered for the open Senior Planner position in order to attract strong candidates to apply. He noted there had been a very weak response. He explained the position was crucial for the City and the City couldn't afford to have a weak candidate in the Community Development Department as land use matters were where a majority of litigation for any city arose. He stated it was a tight market for employers with all the growth in the region and Sisters was at a disadvantage in that it could not offer salaries as high as Bend, Redmond and Deschutes County.

Marijuana

City Manager Allen noted the City had not adopted any time, place or manner restriction's relating to marijuana retail sales, commercial growing, processing or lab testing. He stated the opportunity to participate in the State's opt-out to prohibit the establishment of any marijuana industries within a community had already passed and so the City was relying on the verbiage in the City's business license ordinance stating a business must conform with federal law, and according to the federal government, marijuana was still considered an illegal drug. He noted with marijuana businesses legalized in Oregon, and the fact that there had been some movement by the federal government towards marijuana that might result in it being rescheduled as a lower class drug, he suggested the City take a pro-active approach to have the time, place and manner restrictions in place should the federal government ever de-criminalize marijuana altogether.

City Attorney Green stated case law was developing and so far cities decisions to not allow marijuana related businesses in their communities had been upheld in court, mostly due to recognizing Home Rule authority. He stated he did agree with **City Manager Allen** that the federal government would eventually reschedule the drug class of, or eliminate marijuana from the list illegal drugs. He stated it would be much harder to deal with marijuana businesses retroactively and if the Council was concerned about whether

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the prohibition currently in place would hold up, he suggested the Council add some language to the Development Code to specify the time, manner and place for marijuana related businesses should it become legalized by the government in the future.

Director Davenport reported he had turned away at least a dozen business requesting a business license for a retail marijuana operation and another six or so inquiring about commercial growing, processing and lab testing. **Councilor Connolly** stated if a commercial grow operation were to come to the Sisters, it would need to be located in the industrial park and questioned if the grow lights would interfere with the airport. **City Attorney Green** replied the lights could impair airport operations and therefore the issue would need to be addressed with of some type of agreement.

City Attorney Green stated the usual area of concern to other cities related to marijuana related businesses were proximity to schools, location, signage, security, odors and accessibility to minors. The **Council** was supportive of moving forward with developing the appropriate language for adoption to the Development Code.

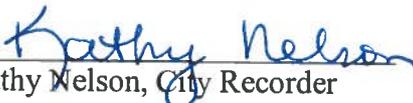
VII MAYOR/COUNCILOR BUSINESS

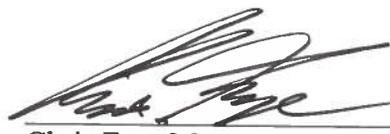
Mayor's Resignation

Mayor Frye noted he would be moving outside of City limits by the end of August and asked the Council members whether they wanted to advertise for a replacement council member or wait until the November election had occurred. **City Attorney Green** stated he had reviewed the Charter and found it did not require the Council to replace a member within any certain time frame. He stated it did imply the Council President would step into the position of Mayor until another Mayor was elected. The **Council** discussed the matter and determined it was not logical to appoint a new member to the Council when the election would only be two months away when the Mayor gave up his post. **City Manager Allen** suggested that once the election had taken place, the Council could ask the highest vote getter, if they were not an incumbent, if they were interested in being appointed and start serving their term early. The **Council** agreed it would be best to wait on making a decision until after the November election.

City Manager Allen informed the Council he wanted to bring in a League of Oregon Cities (LOC) training personnel at the beginning of the year to work with the Council on clarifying their roles as Council members.

VIII. ADJOURN -7:37 p.m.


Kathy Nelson, City Recorder


Chris Frye Mayor